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ABSTRACT

This guide is intended to give vocational educators a "jump start" on their understanding of and planning for the 1990 Perkins Act. Section 1 provides a synopsis of the entire act, with a general overview of each of the major titles. Section 2 provides an analysis of each element of significant change from the 1984 act to the new act. Section 3 presents the new law in its entirety, integrating the sections of the 1984 act that are simply referenced in the text of the new Perkins Act. Appendix A contains the full transcript of Title VI, which addresses statutes other than the Perkins Act. Appendix B identifies technical errors related to statutory citations contained in the bill as it was under consideration in August 1990. A calendar of events for the implementation of the new law is also included. (CML)

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The AVA Guide to the Carl D. Perkins Vocational and Applied Technology Education Act of 1990

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American Vocational Association

THE AVA GUIDE TO THE CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT OF 1990

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Calendar of Events for Implementation of the New Law

Establish Committee of Practitioners	Within 30 days of law's enactment	
Regional Meetings on Regulations	October 30-31, 1990	Philadelphia, PA
	November 5-6, 1990	Atlanta, GA
	November 7-8, 1990	San Francisco, CA
	November 14-15, 1990	Kansas City, MO
Negotiated Rulemaking	December 17-18, 1990	Washington, D.C.
Complete State Assessments	Within 6 months of law's enactment	
State Plans Due	May 1, 1991	
Effective Date of Law	July 1, 1991	

INTRODUCTION

The American Vocational Association (AVA) is pleased to provide to the vocational community this first and one-of-its-kind Guide to the 1990 Carl Perkins Act. Indeed, part of the tremendous value of this document lies in its timeliness, since the ink will hardly be dry on President Bush's signature on the new Act when we mail the first copies.

While we have produced this document to give the field a "jump start" on their understanding and planning, we are confident that The AVA Guide will remain the reference document, the definitive work, for the life of the Act. Given the immediate start-up dates for the appointment of the "Committee of Practitioners", their development of the criteria for the state assessment, and the May 1, 1991 due date for the submission of the state plan, virtually everyone involved in this new legislation will be racing against some incredibly tight deadlines.

Additionally, with this Guide in hand, the reader will be equipped to influence the development of the regulations, so critical to the implementation of programs.

This Guide is divided into the following sections:

Section 1— a synopsis of the entire Act, providing a general overview of each of the major titles.

Section 2— an expert analysis of each element of significant change from the 1984 Act to the new 1990 Act (eliminating those sections with only minor changes or changes not relevant to the field in general); and,

Section 3— the new law in its entirety, carefully integrating the sections of the 1984 Act that are simply referenced in the text of the new 1990 Act.

The integration of the 1984 and 1990 language, created for AVA with great precision by legislative experts, should prove invaluable by saving hours of "flipping" back and forth between the two statutes.

Additionally, Appendix A contains the full transcript of Title VI, which was not included with the integration of Titles I-V since Title VI modifies statutes other than the Perkins Act. However, we feel it is important for readers to review Title VI to see how this new act affects those other pieces of legislation.

We believe we have included here the critical information that all vocational educators need, and we are pleased to present it to you in this timely and useful fashion. We are confident that this Guide will become your working "bible" in understanding and implementing the new 1990 Perkins Act over the coming months and years.

Charles H. Buzzell
Executive Director
American Vocational Association

ACKNOWLEDGEMENTS

We at the American Vocational Association wish to express our sincere appreciation to the people who put such enormous effort into the development of the contents of this Guide.

First, we want to thank the members of the U.S. Congress for reinforcing, by way of this new Act, the importance of this nation's investment in human capital through the use of the vocational education delivery system. Clearly, this national policy sets the direction for state and local agencies as they develop programs which equip youth and adults with the academic and technical skills needed in today's and tomorrow's labor market.

We would also like to note the tremendous contribution made by the various Congressional staff members who worked diligently on this reauthorization. For fear of omission, we cannot cite the name of every staff person involved. However, we are particularly grateful for the leadership provided by Jack Jennings, Majority Counsel, House Education and Labor Committee, and David Evans, Staff Director, Senate Subcommittee on Education, Arts and Humanities.

Central to the development of this document, as well as to all of AVA's recent efforts in the reauthorization of the Perkins Act, has been Michael Brustein, of the law firm of Brustein and Manasavit, and AVA legal counsel. Mr. Brustein's years of experience and expertise in working with education statutes have made his contribution to this Guide immeasurable.

We owe a debt of gratitude to the University of Nebraska-Lincoln's Department of Vocational and Adult Education for the "loan" of doctoral student Marty Mahler. Mr. Mahler's primary task during his six-week internship at AVA was to draft both the synopsis and the section-by-section analysis which appear in this Guide. We are grateful, too, to Dr. Niel Edmunds, Head of Industrial Education at the University, for making Mr. Mahler's internship with us possible.

And, we could never express enough appreciation to Gordon Raley, until recently AVA's Assistant Executive Director for Government Relations and contributor to this Guide's integration of the 1984 and 1990 Acts.

Finally, a note about the AVA headquarters staff members who edited and produced this document in 30 working days. Their dedication to the mission and the members of this association must not be overlooked.

Section 1

SYNOPSIS OF THE CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT OF 1990

SYNOPSIS OF THE CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT OF 1990

The passage of the Carl D. Perkins Vocational and Applied Technology Education Act of 1990 provides secondary, postsecondary and adult vocational education programs with federal assistance for another five years, from July 1, 1991 - June 30, 1996.

This new legislation greatly expands the federal government's job-related education efforts. It emphasizes service to "special populations," including the poor, the handicapped, the economically disadvantaged, disabled, single parents, foster children, those not properly served because of sex bias and those with limited English proficiency. The method by which grants will be allocated has changed significantly. The new legislation eliminates many of the fiscal constraints found in the former act, including set-asides, matching of program costs and excess costs for the handicapped and disadvantaged.

The overall authorization level is increased significantly to $1.6 billion for fiscal 1991, a boost of more than $600 million compared to the FY 1990 appropriation of $936 million. Authorization levels for vocational education programs for fiscal 1991 will be as follows: $1.258,150 billion for grants to the states; $15 million for community-based organizations; $38.5 million for consumer and homemaking education; *$20 million for guidance and counseling; *$10 million for business partnerships; $125 million for tech-prep education; $10 million for bilingual vocational education; $9 million for state councils; $350,000 for the National Council for fiscal 1991; $100 million for facilities and equipment acquisition; *$10 million for community education/Lighthouse Schools and $4 million for tribally controlled postsecondary institutions (* if appropriation for basic grant is over $1 billion).

The new act establishes an Interdepartmental Task Force on Coordination of Vocational Education and Related Programs. This task force will examine data required under the new act and other related legislation and propose possible research and development projects to be conducted with federal assistance.

The format of the legislation remains basically the same with all major provisions contained in five titles as follows: Title I describes state administrative provisions; Title II sets forth the parameters of state and local programs; Title III describes the Special Programs funded under the act; Title IV describes the National Programs and Title V includes general provisions. Title VI deals with revisions to other legislative acts. The complete text of the amendments is found in Appendix A. Title VII establishes the legislation's effective date.

The following synopsis provides a brief overview of each of the titles.

TITLE I - VOCATIONAL EDUCATION ASSISTANCE TO THE STATES

The act authorizes 2.5% of appropriations to be set aside for national programs. The balance of funds will go directly to the states through basic state grants and special programs.

Seventy-five percent of the basic grant must be allocated to local education agencies, area vocational-technical schools and postsecondary institutions. Appropriate state officials will be required to review each state's plan with regard to its proposed strategies for serving the student groups targeted in the legislation.

Equity programs will receive 10.5 percent of a state's basic grant. No less than 7 percent of these funds are to be used for programs serving single parents, displaced homemakers and single pregnant women, and no less than 3 percent of these funds are to be used for sex equity programs. A .5 percent float will be allowed between the two categories.

The act authorizes each state to use 8.5 percent of its Basic State Grant for state programs. No more than 5 percent may be used for administrative activities and must be matched by the state on a dollar-for-dollar basis (See chart on page 15.) The remaining 1 percent is to be used for vocational programs in correctional institutions (See chart on opposite page.)

The state councils will retain the duties they have in the current law but will be given some new responsibilities in the area of state planning.

States must develop an initial three-year state plan followed by a two-year plan for the remaining years covered by the legislation. Each state must conduct an assessment of the quality of its vocational education programs prior to developing the state plan. This assessment must be completed within six months of the date of enactment of the legislation. The first state plans will be due to the Secretary by May 1, 1991.

The new act requires each state receiving assistance under this act to establish a Committee of Practitioners within 30 days of the enactment of this legislation. This body will develop and implement a statewide system of core standards and measures of performance for secondary, postsecondary and adult vocational education programs. The approved standards and measures must be implemented in the states within two years of the date the law is enacted. Annually each recipient must evaluate the effectiveness of the programs conducted with Perkins funds, based on the core standards and measures of performance.

TITLE II - BASIC STATE GRANTS FOR VOCATIONAL EDUCATION

Title II provides detailed information on basic state grant requirements. States may use 8.5% of the funds they receive under the basic state grant for state programs and state leadership. Activities which may be funded under this provision include professional development, curriculum development and dissemination and assessment of programs receiving federal assistance. States may, but are not required to, provide support for promotion of business partnerships, tech-prep, vocational student organizations, state leadership and data collection out of these funds.

Title II outlines criteria for receiving grants for programs for single parents, displaced homemakers, single pregnant women and sex equity.

The formula for allocating funds to secondary school programs will be as follows: 70 percent of the allocation will be based on Chapter 1 funds the local education agency received, 20 percent will be based on the number of students with handicaps who have individualized education programs and 10 percent will be based on the number of students enrolled in school and adults enrolled in training programs.

Area vocational schools are eligible to receive funds directly from the state if the school enters into a cooperative relationship with its component local districts. The area school must serve proportionately at least as many poor and handicapped students as the component school districts. The state must establish an appeal system so that if either the local education agency or the area vocational school is dissatisfied, appropriate action can be taken.

Postsecondary and adult education programs will receive funding based on the proportion of Pell Grant recipients and recipients of assistance from the Bureau of Indian Affairs enrolled at each institution compared to the total number of recipients in the state. This formula can be waived if the state submits to the Secretary an alternative method that ensures a more equitable distribution of funds.

Eligible recipients may only use funds for program improvement, with the full participation of special populations. Priority must be given to sites that serve the highest concentrations of special populations.

TITLE III - SPECIAL PROGRAMS

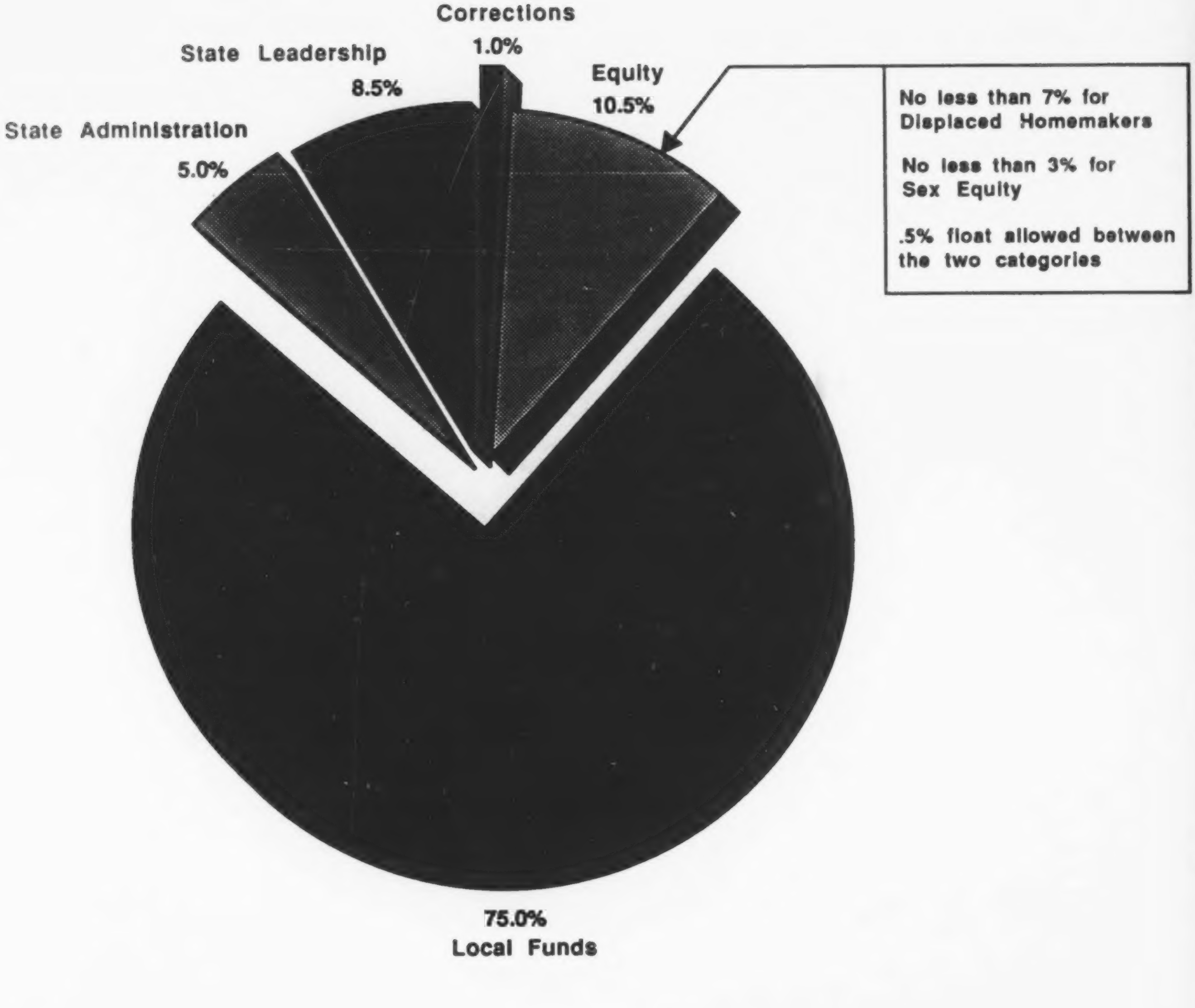
Support is provided for nine special programs under this title including: Community-based Organizations, Consumer and Homemaking Education, Career Guidance and Counseling, Business-Labor-Education Partnerships, Tech-Prep Education, Facilities Improvement and Equipment Acquisition, Community Education Employment Centers, Lighthouse Schools and Tribally Controlled Postsecondary Vocational Institutions.

Provisions for Community-based organizations remain relatively unchanged in the new act. One new component allows funds to be used for model programs for school dropouts.

The language concerning Consumer and Homemaking Education is similar to current law. Any sex bias program supported with these funds must be administered in cooperation with the state's Sex Equity Program.

The new act makes few changes in the provisions for Guidance and Counseling. Guidance

Basic State Grant By Percentage Of Allocations



No less than 7% for Displaced Homemakers

No less than 3% for Sex Equity

.5% float allowed between the two categories and counseling funds may be used for the development of the Career Information Delivery System.

Business-Labor-Education Partnerships are authorized for funding apprenticeships, new equipment, cash contributions to programs, teacher internships and training, and bringing representatives of business and organized labor into the classroom. Priority must be given to partnerships providing job training in areas of significant labor shortages. The Secretary of Education is required to provide a policy manual describing the policies and offering examples of allowable expenses under this program.

A new Tech-Prep Education Program is funded under Title III. The purpose of this program is to provide planning and demonstration grants to consortia of local education agencies and postsecondary education institutions for the development and operation of four-year programs designed to provide a tech-prep education program leading to a two-year associate degree or two-year certificate. Emphasis is placed on providing equal access to special populations, including offering preparatory programs as needed.

Facilities Improvement and Equipment Acquisition is a new program designed to provide funding to enable local education agencies in economically depressed areas to improve facilities and acquire or lease equipment. The funds will be used for grants to states and local education agencies and shall be distributed according to section 1006 of the Elementary and Secondary Education Act of 1965.

A new demonstration program called Community Education Employment Centers is created to establish and evaluate model high school community education employment centers. The purpose of these centers will be to meet the education needs of low income urban and rural youth, including providing support services and enrichment to ensure graduation from secondary school, and successful transition from secondary schools to postsecondary education or employment, including military service.

Funding for this program is combined with the Lighthouse School project which supports grants to secondary and area vocational schools to establish and operate model programs.

Support for Tribally Controlled Postsecondary Vocational Institutions is targeted for assisting in the operation and improvement of these institutions and for expanding education opportunities for Indian students.

TITLE IV - NATIONAL PROGRAMS

The Office of Educational Research and Improvement will conduct a competition to establish national research center/s after the current contract for the existing center expires. The National Center/s will conduct research and development projects and programs with other public agencies and will disseminate information on the results as well as other available research. Applied research by the Center/s shall include studies related to economic changes, academic-vocational integration, effective practices for special populations, delivery methods, articulation between school and work and teacher and professional enhancement.

A national assessment of vocational education programs assisted under this act must be completed by January 1, 1994.

Part B of Title IV provides the Secretary with authority to support several types of demonstration programs and projects. The Secretary shall give priority with regard to these various activities to establishing one or more demonstration centers for retraining dislocated workers. Priority must also be given to national demonstration programs for materials development in telecommunications.

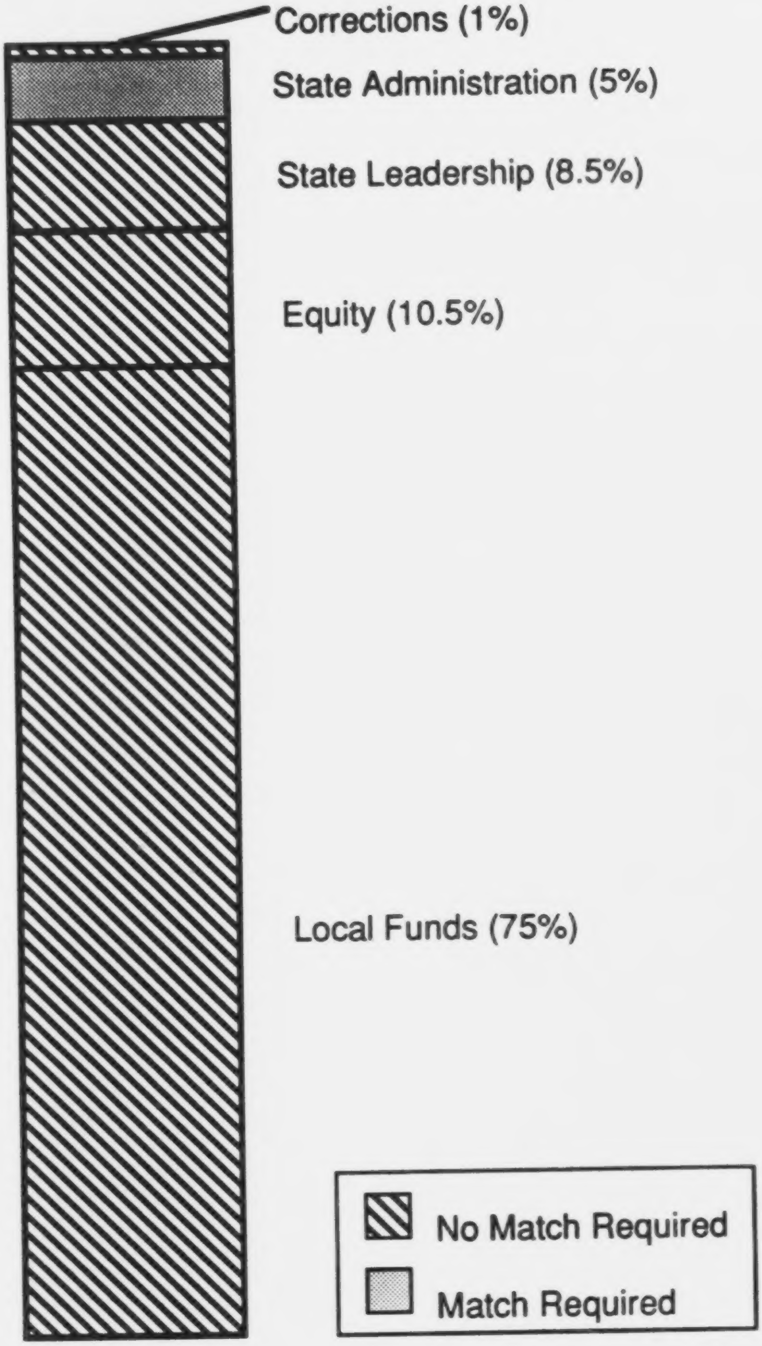
The new act authorizes the Secretary to disseminate information and exemplary materials regarding effective vocational education programs. The Secretary will competitively select schools and programs from among public and private schools within each state to be designated as "Blue Ribbon Vocational Education Programs."

The act also gives the Secretary authority to provide grants to industrial trade organizations, national organizations and labor organizations for the purpose of organizing and operating business-labor-education technical committees.

The Secretary is authorized to provide funding to a wide range of educational institutions forming consortia to develop, implement and operate programs using different models of curricula which integrate vocational and academic learning.

Under Part C of Title IV, the Secretary is required to establish a vocational education data system no more than six months after the implementation of the act. The National Center for Education Statistics will coordinate the development and implementation of the system. The Secretary will collect and analyze data in order to provide federal, state and local agencies with information

Matching Requirements in New Legislation



to assist in policy development and program management. The data system must use common definitions for performance standards, local applications and evaluations required by the act.

The Secretary must establish a Vocational Education Task Force to assist in meeting this objective.

Authority for the National Council on Vocational Education is repealed as of October 1, 1991.

TITLE V - GENERAL PROVISIONS

The Secretary is required to conduct regional meetings in order to obtain public involvement in the development of proposed regulations for the new act.

States will be permitted to use funds under the Vocational Education Act, Job Training Partnership Act and the Wagner-Peyser Act for coordinated services as long as there is no violation of the supplanting provision.

The amendments made by this act will take effect on July 1, 1991. Under a special provision of the new act, states will be authorized to begin developing state plans and local standards and measures and conducting State assessments with funds allocated under the former legislation.

TITLE VI - MISCELLANEOUS PROVISIONS

This title amends legislation other than the Perkins Act. The text of the amendments is found in Appendix A. It has not been integrated with the relevant legislation.

TITLE VII - EFFECTIVE DATE

This title establishes the effective date of the legislation as July 1, 1991. A special provision allows states to use funds under the 1984 act to: plan, develop core standards and measures of performance and conduct assessments as called for in the new legislation.

Section 2

SECTION-BY-SECTION ANALYSIS OF THE CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT OF 1990

Sections 1-4

Title, Purposes, Authorizations, Task Force

Section 1. Short Title

The name of the new act has been expanded to include the term "applied technology." The full title is the "Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1990." The short title is "Carl D. Perkins Vocational and Applied Technology Education Act."

Section 2. Statement of Purpose

The purpose of the new act has been condensed from nine stated objectives in the former act to only one, with an economic mission. The act reads as follows: "It is the purpose of this Act to make the United States more competitive in the world economy by developing more fully the academic and occupational skill of all segments of the population. This purpose will principally be achieved through concentrating resources on improving educational programs leading to academic, occupational, training, and re-training skill competencies needed to work in a technologically advanced society."

Section 3. Authorization of Appropriations

Total Authorization	**$1.6 Billion**
Basic State Grant	$1.258,150 Billion
Community-Based Organizations	$15 Million
Consumer/Homemaking Education	$38.5 Million
Career Guidance & Counseling	$20 Million*
Business/Labor/Education Partnerships	$10 Million*
Tech-Prep	$125 Million
Supplementary State Grants for Facilities & Equipment	$100 Million
Bilingual Vocational Education	$10 Million
State Councils	$9 Million
National Council	$350,000
Community Education-Lighthouse Schools	$10 Million*
Tribally Controlled Postsecondary Institutions	$4 Million

* Appropriation for basic grant must be at least $1 Billion before this program is funded.

This authorization level represents an increase of 59% for vocational education programs when compared to the total FY 1990 appropriation of $936.7 million.

Section 4. Interdepartmental Task Force on Coordination of Vocational Education and Related Programs

This task force shall examine possible common objectives and ways to integrate research and development activities under the Adult Education Act, the Perkins Act, the Job Training Partnership Act, the Rehabilitation Act of 1973 and the Wagner-Peyser Act. The task force shall submit a report on its findings to Congress every two years.

Task force members shall include the Secretaries of Education, Labor, Health and Human Services and such other personnel of these departments as the secretaries consider appropriate.

TITLE I

VOCATIONAL EDUCATION ASSISTANCE TO THE STATES

Part A—Allotment and Allocation

Section 101. Allotment

The act authorizes 2.5% of appropriations to be set aside for national programs instead of 2% as in the current law. An additional 1.5 % is to be set aside as follows: 1 1/4% for Indian programs, 1/4% for native Hawaiians and .2% for the territories.

The act adds a new provision which expands the definition of "state" to mean any one of the fifty states, the Commonwealth of Puerto Rico, the District of Columbia and the Virgin Islands.

Section 101A. The Territories

Guam will receive $500,000 and American Samoa, Commonwealth of the Marianas and Palau will receive $190,000 each. From the remaining funds, the Secretary shall make a grant to the Center for the Advancement of Pacific Education in Hawaii for vocational education and training grants in the territories. These grants are to be used for teacher and counselor training, curriculum development and improving secondary and postsecondary programs. The Center may use no more than 5% of the funds for administration of the grants.

Section 102. Within State Allocation

Each state must allocate the funds it receives from the Perkins Act in the following manner:

> At least 75% of the funds must be used for funding the basic programs at the secondary, postsecondary and adult education levels.
>
> Equity programs must receive 10.5% of a state's allotment. At least 7% must be used for single parent, displaced homemaker and single pregnant women programs and at least 3 percent must be used for the sex equity program. States may allocate the remaining .5% between the two programs as they wish.
>
> Each state may use no more than 8.5% of its allotment for state programs.
>
> The state may use no more than 5 percent of its allotment or $250,000, whichever is greater, for the administration of the state plan. Out of these funds, an amount of not less than $60,000 must be used to support the functions of the full-time sex equity coordinator.
>
> 1% is to be used to provide programs for criminal offenders.

State administration funds can be used for developing the state plan, reviewing local applications, monitoring and evaluating program effectiveness, providing technical assistance, and assuring compliance with all applicable federal laws, including required services for individuals who are members of special populations.

Technical assistance is now included under state administration. In the previous law, technical assistance was assigned to the 13% state reserve.

The act stipulates that each state will fund the single parents, displaced homemakers, single pregnant women, sex equity and criminal offenders programs at an amount not less than the amount the state reserved for these programs in fiscal year 1990. But if the state receives less under Title II than it received in FY 1990, the state may reduce the amounts reserved for these activities by the percentage of its decrease in Title II support.

Section 103. Indian and Hawaiian Natives Programs

This section retains the current law's language with minor amendments. See reauthorized law in section 3 of this document.

Title I, Contd.

Part B—State Organizational and Planning Responsibilities

Section 111. State Administration

The sole state agency requirements are essentially unchanged, except for expanded responsibilities for the development and implementation of performance standards, the state assessment, and program evaluation.

The full-time sex equity coordinator's responsibilities are expanded to include: reviewing and making recommendations concerning the plans of all program providers to ensure that the needs of women and men for training in nontraditional jobs are met; assisting in developing an annual plan for the use of all funds available for such programs; managing the distribution of funds pursuant to section 223; monitoring the use of funds distributed to recipients under such programs and evaluating the effectiveness of programs and activities supported by such funds.

The new law calls for states to designate qualified individuals to evaluate implementation of specific provisions of the act by reviewing all or a representative sample of plans from eligible recipients. The purpose of these reviews is to ensure that the number of members of target populations have been identified and to determine the extent to which their needs are being met. The reviews called for are as follows:

> The head of the state office responsible for administering Part B of the Education of the Handicapped Act shall review the provisions relating to students with handicaps.
>
> The head of the state office responsible for coordinating services under Chapter 1 of Title I of the Elementary and Secondary Education Act of 1965 or another appropriate individual shall review the provisions relating to economically disadvantaged students.
>
> The head of the state office responsible for administering programs for students with limited English proficiency or another appropriate individual shall review the provisions related to students with limited English proficiency.

Section 112. State Council on Vocational Education

The structure and duties of the state councils have been changed only slightly in the new act.

Trade organizations have been added to the list of individuals who shall compose the membership of the state council. The membership of the council may also include members of vocational student organizations and school board members. Members of the state board governing vocational education are not eligible to serve on the state council.

The act strengthens the role of the state council in the state planning process by authorizing it to make recommendations concerning the plan to the state board instead of simply advising the board on the plan. The state council is also authorized to submit a statement to the Secretary of Education commenting on its state's plan. Such comments will be filed with the state plan.

The state council must conduct an evaluation at least every two years of the following areas: the extent to which vocational education programs in the state represent a logical approach to meeting the economic needs of the state; the effectiveness of the coordination of the act and the Job Training Partnership Act in achieving the purposes of both acts and the adequacy of the vocational education delivery system assisted under this act and the Job Training Partnership Act in meeting the purposes of each act.

The state council shall also: comment on the adequacy of state action in implementing the state plan; analyze and review corrections education programs; make recommendations to the state board on ways to create greater incentives for joint planning and collaboration between the vocational education system and the job training system at all levels and advise the governor, the state board, the state job training coordinating council and the Secretaries of Education and Labor of the council's evaluations, findings and recommendations.

The formula allocation to councils is changed. Each state council will receive at least $150,000. From the remainder of state council funds, the Secretary shall allot to each state council an amount in accordance with the method of allotment set forth in section 101 (a) (2) of this act, with a ceiling of $250,000 for each fiscal year, a floor of $150,000 and a provision that no state council shall receive less than it was allotted in fiscal year 1990.

Title I, Contd.

The Secretary will also make grants of $60,000 to the state councils of the Virgin Islands and Guam and $25,000 each to the state councils of American Samoa, Palau and the Commonwealth of Northern Mariana Islands.

Section 113. State Plan

States shall submit an initial three-year plan to the secretary followed by a plan covering a two-year period. They are also permitted to submit such annual revisions as the state board determines to be necessary.

The state board must conduct public hearings within the state, providing sufficient notice so that all segments of the public and all other organizations and groups that are interested may attend and make recommendations regarding the development of the state plan. A summary of such recommendations and the state board's response must be submitted with the state plan.

The act adds a new requirement that the states conduct a state assessment prior to developing the state plan and describe how the planned use of funds reflects the assessment. The assessment must also measure the responsiveness of programs to the unique needs of students who are members of special populations.

The state plan must respond to the 23 separate requirements in Section 113(b). While most of these requirements are straightforward assurances, some require detailed descriptions of proposed uses of funds and descriptions of practices, methods and funding criteria.

Section 114. State Plan Approval

If a state agency responsible for secondary, postsecondary, adult or tech-prep vocational education finds that a portion of the final state plan is objectionable, the agency should file its objections with the state board. The state board should respond to any objections in submitting the plan to the Secretary. The Secretary must consider such comments in reviewing the state plan.

States should submit their state plan to the Secretary by May 1 preceding the beginning of the first fiscal year for which the plan is to be in effect. This will mean that the first state plans under the new law will be due to the Secretary by May 1, 1991. The Secretary is required to approve each state plan within 60 days of its submission if it meets the requirements of section 113 and attains the objectives of the act.

Section 115. State and Local Standards and Measures

The state board must, within 30 days of enactment of the new law, appoint a Committee of Practitioners to assist the board in the development and implementation of a statewide system of core standards and measures of performance for secondary and postsecondary programs. If the board rejects the recommendations of the Committee of Practitioners, the board must give its reasons. This system must be implemented with- in two years of the law's enactment.

The system must include:

1. Measures of learning and competency gains;

2. Measures of performance;

3. Incentives to encourage services to targeted groups;

4. Procedures for utilizing resources in other programs.

In its development of the system, the board must consider the standards approved by the Secretary of Health and Human Services under Section 402(a)(19) of the Social Security Act, and the standards prescribed by the Secretary of Labor under Section 106 of the Job Training Partnership Act.

The Secretary of Education shall provide technical assistance to the states in implementing this system and shall submit a report to Congress within four years on the states' efforts.

Section 116. State Assessment and Evaluation

Each state must conduct a state assessment. This assessment should be completed within six months of the enactment of the act and prior to completion of the state plan. The state plan must describe how the planned uses of federal funds reflect that assessment.

The state board must develop measurable objective criteria to assess program quality. At a minimum, the assessment criteria must include the ten factors required in Section 116(a). These criteria should be developed by the states no later than the beginning of the 1991-1992 school year.

Title I, Contd.

Section 117. Program Evaluation and Improvement

Annually each recipient must evaluate the effectiveness of the programs conducted with Perkins funds, based on the statewide system of core standards and measures of performance.

If recipients are not making substantial progress in meeting the standards and measures as developed, the recipients, in consultation with teachers, parents, and students, must develop a plan for program improvement for the next year.

If after one year of implementation of the previously described plan, sufficient progress in meeting the standards and measures developed has not been made, then a revised plan must be developed involving the state and the groups who participated in the development of the original plan.

This plan will be reviewed annually and revised by the state educational agency in conjunction with the eligible recipient, until the recipient fulfills the state and local standards for more than one year.

Section 118. Criteria for Services and Activities for Individuals who are Members of Special Populations

The state plan must provide assurances that equal access is being provided for the handicapped, the disadvantaged, the limited-English proficient and the other special populations. These equal access provisions go substantially beyond the provisions of the previous law.

Local education agencies must provide special population students and their parents with information regarding opportunities, eligibility requirements, specific courses, special services, employment opportunities and placement at least one year before the students enter or are at an appropriate age for the grade level in which vocational technical education programs are first generally available in the state and in no case later than the beginning of the ninth grade.

Postsecondary institutions must provide such information upon request or when a special population student seeks admission. Information must be presented in an understandable form. All eligible recipients must provide assurances in their local applications that equal access will be provided to all students who are members of special populations.

State boards must establish an expedited appeals procedure for parents, students, teachers and area residents and enable these groups to participate directly in state and local decisions that influence the scope of vocational programs in their area.

TITLE II

BASIC STATE GRANTS FOR VOCATIONAL EDUCATION

Part A—State Programs

Section 201. State Programs and State Leadership

Programs supported under this section must include: professional development; development, dissemination and field testing of curriculum; assessment of programs and development of performance standards and measures for program improvement and accountability with respect to such programs.

This section also permits the states to use state leadership funds for: promotion of partnerships among business, education, industry, labor and community-based organizations; support of tech-prep education; support of vocational student organizations; leadership and instructional programs in technology education and data collection.

Part B—Other State Administered Programs

Subpart 1—Programs to Provide Single Parents, Displaced Homemakers, and Single Pregnant Women with Marketable Skills and to Promote the Elimination of Sex Bias

Section 221. Programs for Single Parents, Displaced Homemakers, and Single Pregnant Women

Funds under this program may only be used for providing, subsidizing and reimbursing for: preparatory services associated with academic and occupational skills; making grants to eligible recipients for expanding preparatory services and vocational education services; making preparatory services and vocational education and training more accessible and providing information about vocational programs, related support services and career counseling.

These programs and services may be provided by community-based organizations or in secondary and postsecondary schools, including area vocational education schools, serving these populations.

Section 222. Sex Equity Programs

The funds allotted for sex equity programs may be used for programs, services, comprehensive career guidance and activities to eliminate sex bias and stereotyping in secondary and postsecondary schools as well as activities for girls and women, aged 14 through 25, designed to enable the participants to support themselves and their families.

The age limit may be waived by the sex equity coordinator if it is determined that the waiver is essential to meet the objectives of the programs.

Section 223. Competitive Award of Amounts; Evaluation of Programs

The sex equity coordinator must distribute funds on a competitive basis. Each program grant that is made under this subpart must be of sufficient size, scope and quality to be effective in achieving the objective of the program.

To evaluate the program's effectiveness, data on the individuals served must be collected by the sex equity coordinator.

Subpart 2—Corrections Education

Section 225. Programs for Criminal Offenders

The state board must designate one or more state corrections agencies to administer the 1% set aside for corrections education. These correction agencies must submit a plan to the state board on the uses of funds. Special consideration must be given to offenders being prepared for release, institutions that are not currently operat-

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ing vocational programs, programs for incarcerated women and improving equipment.

Part C—Secondary, Postsecondary, and Adult Vocational Education Programs

Subpart 1—Within State Allocation

Section 231. Distribution of Funds to Secondary School Programs

The formula for allocating funds to the secondary level will be based on three criteria. Seventy percent of the allocation will be based on an eligible recipient's Chapter 1 funds received by the local education agency (section 1005 of the Elementary and Secondary Education Act of 1965), 20 percent will be based on the eligible recipient's number of students with handicaps who have individualized education programs (section 614 (a)(5) of the Education of the Handicapped Act) and 10 percent of the allocated funds will be based on the number of students enrolled in schools and adults enrolled in training programs under the jurisdiction of the local education agency compared to the number of all such students in the state.

Eligible recipients may not receive grants of less than $15,000. Recipients may enter into a consortium with other recipients to meet this requirement, or a waiver may be granted by the state.

In local educational agencies (LEA) that have jurisdiction only over elementary schools, the funds that would normally be allocated to the elementary recipient are instead allocated to the secondary recipient that receives the graduating students from the corresponding elementary school. In cases where there are several secondary recipients, the amount each school will receive will be proportional to the percentage of graduating students that each secondary school receives from the corresponding elementary school.

The state may distribute funds directly to an area vocational school (AVTS) if the school and its component local districts enter into a cooperative arrangement for the delivery of programs and the area school serves at least the same proportion of handicapped and economically disadvantaged students as all schools sending students to the area school. An area school is also eligible if it can demonstrate that its reason for serving fewer high risk students is a lack of interest on the students' part. The state then allocates the federal funds between the LEA and AVTS in proportion to the number of economically disadvantaged and handicapped students in Perkins programs served by each. The process for identifying the economically disadvantaged (AFDC, school lunch, Chapter I) is left to the state.

If the AVTS or LEA can demonstrate that it serves more poor and handicapped students in Perkins programs than the other entity, using a more accurate determinant for the poor, then the state will be permitted to distribute the funds on this basis. The state must, however, have in place an appeal mechanism if either the LEA or AVTS is dissatisfied.

Section 232. Distribution of Funds to Postsecondary and Adult Programs

Postsecondary and adult vocational education programs in each state will receive allocations equal to the percentage of total Pell Grant recipients in postsecondary institutions in the state and recipients of assistance from the Bureau of Indian Affairs in Perkins-approved programs.

This formula can be waived if the state submits to the Secretary an alternative method for allocating the funds that will ensure a more equitable distribution.

Institutions will not be granted allocations for amounts less than $50,000.

Section 233. Special Rule for Minimal Allocation

In states where the secondary or postsecondary allocation is 15 percent or less of the total funds available the state may forego the funding formula and distribute the funds on a competitive basis or by any alternative method determined by the state provided that it results in a more equitable distribution of funds to programs serving the highest numbers of economically disadvantaged individuals.

Section 234. Reallocation

If any eligible recipient does not expend its entire allotment, the recipient shall return the unobligated funds to the state for reallocation in that year or the succeeding year.

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Subpart 2—Uses of Funds

Section 235. Uses of Funds

Eligible recipients may only use funds for program improvement, with the full participation of special populations. Each eligible recipient must give priority to a limited number of sites that serve the highest concentrations of these at-risk students. Each funded program: must be of sufficient size and quality to be effective; must integrate vocational and academic competencies and must provide equitable participation for special populations. If all these criteria are satisfied, then the eligible recipient may use the funds for any of the 14 enumerated activities, including equipment purchases or other activities consistent with the act.

Equipment may be used for other instructional purposes after school and if such use does not interfere with the primary use or add to the cost of its use.

No more than 5% of each eligible recipient's grant may be used for administrative costs.

Subpart 3—Local Application

Section 240. Local Application

Recipients desiring funding must submit to the state board an application for use of the funds for the same time period covered by the state plan. Applications must contain a description of the vocational programs to be funded, a report on the number of individuals in each of the special populations to be served, descriptions of: how the needs of the special populations will be assessed and how access will be provided; coordination with community-based organizations; program evaluation standards; how consultation with parents and students of special populations will be conducted; how funds will meet occupational needs in the area; how the program satisfies the use of funds criteria in Section 235 and how services to at-risk students will be monitored and an assurance of cooperation with area schools.

TITLE III

SPECIAL PROGRAMS

Part A—State Assistance for Vocational Education Support Programs by Community-Based Organizations

Sections 301-302.

The approved provisions and uses of funds for these programs remain much like the former law with minor amendments. (See reauthorized law in section 3 of this document.)

Part B—Consumer and Homemaking Education

Sections 311-313.

The provisions and approved uses of funds for consumer and homemaking education remain much like the former law with minor amendments. Funds available for consumer and homemaking education shall be used to support full-time state administrators, but no more than 6% of the funds available under this part may be used for state administration. (See reauthorized law in section 3 of this document.)

Part C—Adult Training, Retraining, and Employment Development (Former Act)

The provisions for adult training, retraining and employment in the former act are repealed by the new act.

Part C—Comprehensive Career Guidance and Counseling Programs (New Act)

Sections 321-323.

The provisions for comprehensive career guidance and counseling programs remain much like the former law with minor amendments. (See reauthorized law in section 3 of this document.)

Part D—Business-Labor-Education Partnership for Training

Sections 331-333.

This is a new program created as a result of findings pointing to a need for putting more resources into schools to improve the quality of vocational education and to upgrade minimal standards in key occupational areas.

Funding for this program will be allocated for partnerships between area vocational education schools, state agencies, local education agencies, secondary schools funded by the Bureau of Indian Affairs, institutions of higher education, state correction agencies, adult learning centers and business, industry, labor and apprenticeship programs. The Secretary must assure an equitable geographic distribution of grants.

Grants to states will be made in accordance with state plans, and states must ensure that coordination occurs between programs assisted with funds under this part and related efforts under Part E (Tech-Prep Education) and the Job Training Partnership Act.

Assurances must be submitted to the Secretary that: funds received under this part will be awarded on a competitive basis restricted for vocational education; programs address the needs of new and emerging industries; the state

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will give preference to partnerships that coordinate with local chambers of commerce, labor organizations and local economic development plans; job training is offered in occupations where there is a significant labor shortage and allocations between rural and urban areas are made on an equitable basis.

Examples of allowable expenses for business-labor-education partnerships will be provided by the Secretary.

Part E—Tech-Prep Education

Section 342. Findings and Purpose

This new program is established separately as a national program administered by the Secretary. The purpose of the program is to provide planning and demonstration grants to consortia of local education agencies and postsecondary education institutions for the development and operation of four-year programs designed to provide a tech-prep education program leading to a two-year associate degree or a two-year certificate. These programs are designed to offer strong comprehensive links between secondary schools and postsecondary educational institutions in a systematic manner.

Section 343. Program Authorized

The program is authorized at $125 million for 1991 and then such sums as may be necessary for each additional year.

As long as tech-prep is funded at under $50 million, it will be a federal discretionary grant program. At or above $50 million, the funds will be distributed to states according to the basic grant formula. Participants must submit a three-year plan to the Secretary for the tech-prep program.

Section 344. Tech-Prep Education Programs

Grant funds must be used to develop and operate a four-year tech-prep education program. The program shall:

(1) Be carried out under an articulation agreement between consortium participants;

(2) Consist of two years of secondary school and two years of higher education or an apprenticeship with a common core of courses in mathematics, science, communications and technologies designed to lead to an associate degree or certificate in a specific career field;

(3) Include development of appropriate curricula;

(4) Include in-service training for teachers and counselors;

(5) Provide equal access to members of special population groups;

(6) Provide for preparatory services to assist all program participants;

(7) Provide for equipment acquisition;

(8) Acquire technical assistance from state or local entities that have successful programs.

Section 345. Applications

Each consortium that desires to receive a grant to fund a tech-prep program must submit an application to the Secretary or the state board, depending upon the appropriation amount. The application should contain a three-year plan for the development of the tech-prep program.

Special consideration will be given to programs which provide for effective employment placement activities or transfer of students to four-year baccalaureate degree programs, programs developed in consultation with business, industry and labor unions and programs that effectively address dropout prevention.

Allocations will be equitably distributed between urban and rural consortium participants.

Each consortium that submits an application to the Secretary under this section should provide a copy of its application to the state educational agency and the state agency for higher education.

At the time when the Secretary awards allocations to a consortium, the Secretary will notify the state educational agency, state agency for higher education and the state council on vocational education of the selection.

Section 346. Reports

Each consortium that receives an allocation must file a report with the Secretary, providing proof that the consortium is complying with all program requirements. The Secretary will submit a report to Congress on the program's effectiveness after its first year of operation.

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Section 347. Definitions

The term "articulation agreement" means a commitment to a program designed to provide students with a nonduplicative sequence of progressive achievements leading to competencies in a tech-prep education program.

The term "tech-prep education program" means a combined secondary and postsecondary program which: leads to an associate degree or two-year certificate; provides technical preparation in at least one field of engineering technology, applied science, mechanical, industrial, practical art or trade, agriculture, health, or business and builds student competence in mathematics, science and communications (including through applied academics) through a sequential course of study and leads to placement in employment.

Part F—Supplementary State Grants for Facilities and Equipment and Other Program Improvement Activities

Section 351. Statement of Purpose

This is a new program created to provide financial assistance to local educational agencies in economically depressed areas for the purpose of program improvement activities, particularly focusing on the improvement of facilities and equipment acquisition.

Section 352. Allotment to States

Each state is entitled to an amount equal to the funds that would be available to that state under Section 1006 of Chapter I of the Elementary and Secondary Education Act. Section 1006 authorizes concentration grants for those counties in a state that have significant numbers of economically disadvantaged and handicapped students.

Section 353. Allocation to Local Educational Agencies

The act mandates that 100 percent of the funds that each state receives for these activities be allocated to the qualifying eligible recipients.

Section 354. Uses of Funds

Eligible recipients that receive funds must give first priority to using the funds to improve facilities and acquire equipment through purchase or lease. Any remaining funds may then be used for program improvement, such as curriculum development and teacher training.

Section 355. State Applications

States desiring to participate in this program must submit an application containing the information required by the Secretary. Applications are submitted for a period of not more than three years and must be amended annually.

Section 356. Local Applications

Local educational agencies desiring to receive a grant under this program should submit an application to the state accompanied by information as required by the state.

Part G—Community Education Employment Centers and Vocational Education Lighthouse Schools

Subpart 1—Community Education Employment Centers

Section 362. Purpose

This new program is created to establish and evaluate model high school community education employment centers to meet the needs of low-income urban and rural youth. These centers will provide students with the education and skills necessary for successful graduation from secondary schools and provide a transition to a variety of postsecondary institutions and/or employment.

Section 363. Program Authorized

A maximum of 10 community education employment centers will be established nationwide through an application process determined by the Secretary. Grants awarded under this section will be for five years.

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Section 364. Program Requirements

Grant recipients are required to offer a broad array of secondary school work, operate a community education employment center, establish a collegial working environment, maintain small class sizes (to the extent possible 15 students or less), offer students on-site opportunities for assistance with career planning, emphasize the development of academic skills regardless of student career objectives, provide technical assistance for staff seeking to replicate community education employment center capabilities and offer school-to-work transition services.

Section 365. Support Services Requirements

Community education employment center support systems must be established in each location to provide a comprehensive program of guidance and counseling, on-site job service, assistance in finding part-time employment, assistance in arranging a summer program of work, transportation related to the programs as required and education and access to day care services for participants' children.

Section 366. Parental and Community Participation

All community education employment centers will employ a parental/community coordinator to provide for active and informed participation of parents and appropriate community representatives.

The coordinator will assist students and parents in making informed decisions concerning the selection of community education employment center programs for their children, conduct seminars for parents, provide for interaction between parents of each student and teachers/counselors, provide parents with the options to work with students at home or as volunteer coordinators and establish a Council of Advisors.

The council will include representatives from the local educational agency, state council on vocational education, teacher organizations, guidance counselors, community-based organizations, private industry council, parents and students.

The purpose of the council will be to: provide recommendations to the center; assist center personnel in establishing annual priorities; ensure that all students in the school district have an equal opportunity to attend a center; work with students to establish a code of conduct; advise on the selection of center administrators and teachers; assist in the assessment and evaluation of student learning progress; make suggestions about instructional materials and advise regarding the coordination of activities under the Job Training Partnership Act and the Perkins Act.

Section 367. Professional Staff

The professional staff who are used to operate the community employment education centers must demonstrate a high degree of academic, teaching, guidance and administrative standards.

Section 368. Eligibility

Funding under this program will be dependent upon whether the eligible recipient will serve a student population that is predominantly educationally and economically disadvantaged and if the eligible recipient is located in the vicinity or serves one or more local educational agencies that are eligible for assistance under Chapter 1 of the Elementary and Secondary Education Act of 1965.

Section 369. Application

Eligible recipients who wish to participate in this program must submit an application containing: evidence that the area where the center will be located has a high concentration of children from low-income families as compared to the state and country as a whole; a description of activities to be funded; assurances that the recipient will be in compliance with all provisions of this part of the act; assurances that each fiscal year the state and/or local education agency will provide the same level of support to students in these centers as they provide for students attending secondary schools; assurances that they will obtain funding from other appropriate employment and training programs in the state and assurances that coordination of the center will help meet local economic needs.

Section 370. Evaluation and Report

Annually each center will submit a comprehensive evaluation of student progress. The report will contain information on academic and vocational competencies, dropout rates, wage data of students attending the center, follow-up information on graduating students and the degree of participation by parents, students and the community in the center's activities.

The Secretary will report to the Congress no later than October 1, 1995 on the evaluations sub-

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mitted for the community employment education centers.

Section 371. Definitions

The term "eligible recipient" means a secondary school or an area vocational school. The term "parent" includes a legal guardian or other person standing in loco parentis.

Subpart 2—Vocational Education Lighthouse Schools

Section 375. Vocational Education Lighthouse Schools

This is a new program funded by the Secretary in which grants to secondary and area vocational schools will be made to allow these schools to establish and operate vocational education lighthouse schools.

Grants awarded under this section will be used to establish vocational education lighthouse schools which serve as model vocational education programs, provide information and technical assistance to the field of vocational education about curriculum, develop comprehensive linkages with other institutions at all levels and develop and disseminate model approaches for meeting training needs of special populations and for eliminating sex bias.

Part H—Tribally Controlled Postsecondary Vocational Institutions

Section 382. Purpose

This part of the act is created to assist in the operation and improvement of tribally controlled postsecondary vocational institutions, to promote the expansion of educational opportunities for all Indian students and to improve and expand the physical resources of these institutions.

Section 383. Grants Authorized

The Secretary will make grants to tribally controlled postsecondary vocational institutions for the education and training of Indian students. Eligible expenditures include training costs, educational costs, equipment costs, administrative costs and costs of operation and maintenance of the institution.

Section 384. Eligible Grant Recipients

Eligibility for assistance under this part will depend upon the institution being governed by a board of directors or trustees with a majority of Indian members. The institution must have been in operation for at least three years, be accredited by a nationally recognized accrediting institution, demonstrate adherence to a coherent set of goals and have a full-time enrollment of at least 100 students, a majority of whom are Indians.

Section 385. Grants to Tribally Controlled Postsecondary Vocational Institutions

The Secretary will audit and monitor funded programs based on information provided in the application. Applications must provide a description of record keeping procedures that will be used for the expenditure of funds.

No less than two grants will be issued in the first year in which funds are appropriated.

The Secretary will consult with the boards of trustees and tribal governments of institutions being considered for grants.

The funds allocated to eligible recipients cannot be used in connection with religious worship or sectarian instruction.

Section 386. Amount of Grants

For each program year, the Secretary will provide each vocational institution having an approved application with the funds necessary to carry out the programs authorized, subject to the availability of appropriations.

Payments will be provided in two installments. The first payment will be made within 30 days of the enactment of the new act, provided that funding has been appropriated. The amount of the first payment will be determined by the Secretary through analysis of the estimated costs indicated on the recipient's application. The final payment will be made no later than January 1 of the fiscal year in which the costs were incurred.

Each institution receiving funds will provide the Secretary an annual report of the expenses incurred under this program. Additional grants may be issued by the Secretary to eligible institutions if there are funds remaining.

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Section 387. Effect on Other Programs

Tribally controlled postsecondary vocational education programs receiving funding under this program will not be denied funding or have their funding altered under other federal financial assistance programs for higher education or vocational education because of the assistance received under this program.

Section 388. Grant Adjustments

If appropriations for this program are not substantial enough to pay the full amount that the approved applicant is eligible to receive, the Secretary will allocate to the recipient the same per capita amount as it received in the preceding fiscal year plus any adjustments to compensate for inflationary increases.

Based on the most accurate data available, the Secretary will prepare a budget needs estimate for each eligible institution for each subsequent program year after the first and submit this request to the Congress so that they may provide an uninterrupted flow of funding to these institutions.

Section 389. Report on Facilities and Facilities Improvement

The Secretary will conduct a detailed assessment of the training and housing needs of the institutions eligible for this program. The Secretary is required to report to Congress no later than July 1, 1991 on the results of this study.

The Secretary will also conduct a long-term study of the facilities of each institution eligible for assistance. The Secretary is to report the results of this study to Congress eighteen months after the enactment of this law. Every six months the Secretary is required to submit a progress report to Congress concerning the activities associated with this program.

Based on the study conducted by the Secretary and the report issued to Congress, the Secretary is authorized to grant funds to eligible institutions for construction, rehabilitation and major alterations to their facilities.

Section 390. Definitions

The term "tribally controlled postsecondary vocational institution" means an institution of higher education which is formally controlled, or has been formally sanctioned or chartered, by the governing body of an Indian tribe or tribes and which offers technical degrees or certificate-granting programs.

The term "Indian student count" means a number equal to the total number of Indian students enrolled in each tribally controlled vocational institution.

TITLE IV

NATIONAL PROGRAMS

Part A— Research and Development

Section 402. Research Activities

The Secretary shall conduct applied research on aspects of vocational education through the Office of Educational Research and Improvement. Such research must include the study of methods for providing quality vocational education to special populations, implementation of performance standards, coordination of vocational education with employment and training, private sector involvement and integration of academic and vocational skills. The Secretary must also support unsolicited meritorious research proposals. The Secretary shall establish a system of dissemination of information resulting from the research through a national network for curriculum coordination, consisting of six regional centers.

Section 403. National Assessment of Vocational Education Programs

A national assessment of vocational education programs that are assisted under this act will be conducted by the Office of Educational Research and Improvement, through independent studies and analyses awarded competitively.

The assessment will focus on: the effect of this act on state and tribal administration of vocational education programs; expenditures at the state, federal, tribal and local levels to address program improvement; preparation and qualifications of teachers of vocational and academic curricula in vocational education programs; participation of different populations in vocational education; academic and employment outcomes of vocational education; employer involvement in vocational programs; the effectiveness of performance standards; the effect of federal requirements associated with services provided for special populations and coordination of services under this act with other federal legislation.

The Secretary will design and implement the assessment in consultation with the Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives.

Through a grant or contract, the Secretary will conduct a study of the distribution of federal vocational funds to the states. The study will examine the distributional effects of the allocation formula to the states, address the appropriate distribution mechanism to serve the target populations of this act and explore alternative methods for distribution of funds.

The results of the study will be used to formulate recommendations for more appropriate methods of directing federal funds to the states to achieve the federal goals and objectives. The study must be completed by January 1, 1994.

Section 404. National Center or Centers for Research in Vocational Education

The Office of Education Research and Improvement will conduct a competition to establish National Research Center(s) after the current contract for the center expires on December 31, 1992. Six million dollars is reserved for applied research and development and dissemination and training activities. At least two-thirds of the $6 million must be used for research and development. A competition will be held for both research and development activities, and any applicant demonstrating an ability to carry out both activities will be given preference. Up to 10% of the funds will be available for field-initiated work. Each National Center will operate for a period of five years under the leadership of a center director. The Secretary will review the National Center(s) research priorities after three years of operation.

The National Center(s) must conduct research and development projects and programs with other public agencies and will disseminate information on the results as well as on other available research. Applied research by the Center(s) shall include the study of: economic changes; academic-vocational integration; effective practices for meeting the needs of special populations; delivery methods; articulation between school and work; recruitment, education and enhancement for teachers and other professionals

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in the field; accountability processes; effective practices for educating students in all aspects of the industries they are preparing to enter; effective methods of teaching communication skills; identification of high priority occupational skills and identification of practices and strategies that address entrepreneurial development for minority-owned enterprises.

The National Center(s) must prepare an annual report on effective education-to-work strategies as determined by their research and submit this report to Congress.

The Center(s) shall also carry out a variery of dissemination and training activities and prepare an annual report fo Congress on the activities.

Part B—Demonstration Programs

Section 411. Programs Authorized

The Secretary is authorized to provide funding to support several types of demonstration programs. Priority will be given to development of instructional telecommunications materials and to demonstration centers for the retraining of dislocated workers.

Section 412. Materials Development in Telecommunications

Grants will be issued on a 50/50 match of federal and non-federal funds. The Secretary is authorized to provide funding to pay the federal share for the costs of the development, production and distribution of instructional telecommunications materials and services to nonprofit education telecommunications entities for use in local vocational and technical education schools and colleges.

The funds allocated may be used to: provide a sequential course of study that includes preproduced video courseware or direct interactive teaching; develop videocassettes that supplement instruction and conduct teacher training programs.

Priority is given by the Secretary to programs that serve students in area vocational technical schools, vocational educators in need of retraining, out-of-school adults in need of basic skills improvement, all college students, especially those working toward an associate degree from a technical school or community college and workers attempting to enter high-growth industries.

Section 413. Demonstration Centers for the Training of Dislocated Workers

The new act gives the Secretary authority to establish one or more demonstration centers for the retraining of dislocated workers. The centers will provide vocational evaluation and assessment, vocational and technical training, support service, and job placement assistance.

Private nonprofit organizations that are eligible to receive funding under the Job Training Partnership Act are also eligible to receive funding under this section.

Section 414. Professional Development

This new section creates a separate national program for leadership development awards, retraining of teachers and awards for gifted and talented students. The Secretary is authorized to provide opportunities for vocational educators to participate in advanced study of vocational education, for teachers trained in other fields to become vocational education teachers, for individuals working in the field to become teachers, for vocational educators to update their skills and for gifted and talented vocational students to participate in internships.

Section 415. Blue Ribbon Vocational Education Programs

Under this new program, the Secretary is authorized to disseminate information and exemplary materials regarding effective vocational education programs. Programs at the secondary and postsecondary levels which have attained standards of excellence in vocational education and which have demonstrated a high level of quality will be designated as "Blue Ribbon Vocational Programs." To be considered for this recognition, vocational programs must submit an application and other appropriate information as required by the Secretary.

Section 416. Development of Business and Education Standards

This is a new program growing out of findings by Congress that national standards should be developed for competencies in industries and trades.

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The Secretary, in consultation with the Secretary of Labor, is authorized to establish a program of grants to labor organizations, industrial trade organizations or comparable national organizations for purposes of organizing and operating business-labor-education technical committees. There is a 50/50 matching requirement under this program for recipients establishing a technical committee.

Grants will be awarded through an application process established by the Secretary.

Section 417. Educational Programs for Federal Correctional Institutions

Federal correctional institutions in consortia with community-based organizations, business, industry or educational institutions are eligible to provide education and training for criminal offenders through grants authorized by the Secretary.

Funds may be used for basic education programs, vocational training, guidance and counseling and support services, with special emphasis on coordination of educational services with agencies furnishing services to offenders after their release from correctional institutions.

Section 418. Dropout Prevention

The Secretary is authorized to make grants to partnerships of local educational agencies, or area vocational schools and institutions of higher education offering vocational education programs that have proven to be successful in preventing students from dropping out of school.

Section 419. Model Programs of Regional Training for Skilled Trades

The Secretary is authorized to make grants to regional model centers which provide technical assistance and training for tradespeople. To the extent possible, the Secretary is to ensure an equitable distribution of funds to the various skilled trades experiencing shortages.

Section 420. Demonstration Projects for the Integration of Vocational and Academic Learning

The Secretary is authorized to make grants to institutions of higher education, area vocational schools, local educational agencies, secondary schools funded by the Bureau of Indian Affairs, state boards, public or private nonprofit organizations or any consortia of these groups, to develop, implement and operate programs using different models of curricula which integrate vocational and academic learning.

Section 420A. Cooperative Demonstration Programs

The Secretary is authorized to make grants or contracts to support cooperative demonstration projects focusing on: improved access to quality programs in nontraditional areas; how vocational education and the private sector can work effectively together; overcoming national skill shortages; child growth and development centers; partnership programs to assist disadvantaged youth and agriculture action centers.

Part C—Vocational Education & Occupational Information Data Systems

Section 421. Data Systems Authorized

This section provides for the establishment of a vocational education data system in which the Secretary shall directly, by grant or cooperative agreement, collect necessary data, using comparative information elements and uniform definitions.

The data system should be established by the Secretary no later than six months after the enactment of the act.

The functions of the data system will be to collect and analyze data in order to provide Congress with information affecting policy development and provide program management information for federal, state and local administrators.

The National Center for Education Statistics will coordinate the development and implementation of the system. The information system shall include data on the following: information on the major elements of the vocational education system, including teachers, administrators, students, facilities and equipment; the extent of participation of certain populations, including women, Indians, individuals with handicaps, individuals of limited English proficiency, economically disadvantaged students, students in rural and urban areas, adults who are in need of training and retraining, single parents, displaced homemakers, youths incarcerated in juvenile detention or correctional facilities, criminal of-

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fenders who are serving time in correctional institutions, individuals who participate in programs designed to eliminate gender bias and sex stereotyping, and minorities.

An assessment of data available regarding international competitiveness in vocational skills is to be submitted to Congress by August 31, 1994.

The data system must be maintained and updated at least every three years by the Secretary to assure the system provides the highest quality statistics and is adequate to meet the needs defined in the act. The Secretary must establish a Vocational Education Task Force to assist in meeting this objective. The Secretary must report to Congress on the effectiveness of the system and strategies for improving it biennially.

Section 422. National Occupational Information Coordinating Committee

This section retains the current statutory language with minor amendments. (See reauthorized law in section 3.)

In addition, a new demonstration program is established that will monitor educational outcomes for vocational education using wage and other records. The National Occupational Information Coordinating Committee, in consultation with the National Center(s) for Research in Vocational Education, will develop procedures for establishing and maintaining nationally accessible information on a sample of wage and earning records maintained by the states.

Section 423. Information Base for Vocational Education Data System

The Secretary must ensure that appropriate and adequate information on access to vocational education by secondary school students with handicaps is maintained in the established data system. The General Accounting Office shall submit a report on the information obtained to appropriate committees of the Congress no later than July 1, 1995.

The Office of Technology Assessment shall conduct an assessment of a sample of tests designed to be administered to students who have completed secondary school to assess their level of technical knowledge.

Section 424. Miscellaneous Provisions

The Secretary must take the necessary action to ensure that all required data is collected at a reasonable cost. The Secretary, in consultation with the Vocational Education Task Force, the National Center for Education Statistics, the Office of Vocational and Adult Education, and the National Occupational Information Coordinating Committee, shall determine the methodology to be used and the frequency with which the information is to be collected.

All states receiving federal assistance under the act must cooperate with the Secretary in organizing and operating the data systems authorized in this part.

Part D—National Council on Vocational Education

As of October 1, 1991, authority for the National Council on Vocational Education is repealed.

Part E—Bilingual Vocational Training

This section remains much the same as in the former act. (See reauthorized law in section 3.)

Part F—General Provisions

Section 451. Distribution of Assistance

Funding under Title IV shall be distributed according to the following percentages:

1) 30 percent will be available for research and development, of which 90 percent will be used to fund the National Center or Centers.

2) 30 percent will be available for demonstration programs.

3) 40 percent will be available for funding the vocational education and occupational information data systems, of which 22 percent will be used to support the National Occupational Information Coordinating Committee, 8 percent will be available to fund the vocational education data system and 10 percent will be available for the National Network for Curriculum Coordination.

TITLE V

GENERAL PROVISIONS

Part A—Federal Administrative Provisions

Sections 501-503.

All of the matching requirements outlined in Section 502 of the former legislation are repealed as are the provisions on judicial review and audits. All VEA recipients must comply with the judicial review and audit requirements in the General Education Provision Act. A waiver for reduction in maintenance of effort for unusual economic circumstances may be granted for only one year and reduced to no less than 95% of the prior year expenditures. The subsequent year's expenditures must return to the previous year's level.

Section 504. Regional Meetings and Negotiated Rulemaking

The Secretary will convene regional meetings which shall provide comments to the Secretary on the content of proposed regulations. The meetings will include representatives of federal, state, tribal and local administrators, parents, teachers, members of local boards of education and special populations involved with implementation of programs under this act.

After holding regional meetings and before publishing proposed regulations in the Federal Register, the Secretary shall prepare draft regulations and submit regulations on at least two key issues to a negotiated rulemaking process.

Participants in this process will be selected by the Secretary from among participants at the regional meetings. Final regulations must be issued within 240 days of passage of the act.

Section 505. Requirements Relating to Reports, Plans, and Regulations

Upon the request of any member of Congress, the General Accounting Office will investigate the circumstances of any delay in the Secretary submitting a report or research finding or issuing any regulation required by this act.

Section 506. Federal Laws Guaranteeing Civil Rights

Nothing in this act shall be construed to be inconsistent with appropriate federal laws guaranteeing civil rights.

Section 507. Student Assistance and Other Federal Programs

The act bars the consideration of any student aid (for attendance costs) received under the Perkins Act in determining eligibility for assistance under other federal programs.

Section 508. Federal Monitoring

The Secretary must provide adequate monitoring of compliance to this act's requirements by recipients. Compliance items include state plan implementation, state monitoring of local recipients, local plan review by appropriate state officials and provisions for input from students, parents, teachers and special populations in the states.

Part B—State Administrative Provisions

Section 511. Joint Funding

The states will be permitted to use funds under the Vocational Education Act, the Job Training Partnership Act and the Wagner-Peyser Act for coordinated services as long as there is no violation of the supplanting provision.

Section 512. Review of Regulations

A State Committee of Practitioners must be established for the purpose of reviewing proposed or final state rules or regulations pursuant to this act. The committee shall be selected from nominees solicited from state organizations representing school administrators, teachers, parents,

Title V, Contd.

members of local boards of education and appropriate representatives of institutions of higher education

Section 513. Identification of State-Imposed Requirements

Any state rule or policy imposed on the administration or operation of programs funded by the act, including any rule or policy based on state interpretation of any federal law, regulation, or guideline, shall be identified as a state-imposed requirement.

Section 514. Prohibition on Use of Funds to Induce Out-of-State Relocation of Businesses

Funds under the act may not be used for the purpose of directly providing incentives or inducements to an employer to relocate a business enterprise from one state to another state if such relocation would result in a reduction in the number of jobs available in the state where the business enterprise is currently located.

Section 515. State Administrative Costs

Each state that receives funds under the act must match the amount of federal funds with an equal amount of non-federal funds for the cost of administering the programs under this act. However, a state cannot reduce the level of non-federal expenditures from the prior year.

Section 516. Additional Administrative Requirements

Funds available under Title II must be used to supplement state and local funds. However, VEA funds under Title II may be used to pay the cost of vocational services required by a handicapped student's IEP.

Part C—Definitions

An extensive list of all definitions of terms used in the act is contained in the law itself, which appears in Section 3.

TITLE VI

MISCELLANEOUS

The full text of Title VI, which references other acts, is included in Appendix A. This section has not been integrated with the relevant legislative acts referenced.

TITLE VII

EFFECTIVE DATE

Section 701. Effective Date

The effective date of the act is July 1, 1991. A special provision in this section allows states to use funds from the Carl D. Perkins Vocational Education Act of 1984 to begin the development of the state plan and state and local standards and to conduct assessments.

Section 3

THE CARL D. PERKINS VOCATIONAL EDUCATION ACT OF 1984

AS AMENDED BY THE CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT AMENDMENTS OF 1990

Prepared by the American Vocational Association

1410 King Street,
Alexandria, Virginia 22314

PUBLIC LAW 98-524—1984

(Reflects subsequent changes to the Act through and including P.L. 100-297, The Augustus F. Hawkins—Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 and P.L. 100-418, The Omnibus Trade and Competitive Act of 1988, and the Carl D. Perkins Vocational and Applied Technology Act Amendments of 1990.)

AN ACT

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Carl D. Perkins Vocational and Applied Technology Education Act."

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TABLE OF CONTENTS.

Sec. 1. Short title; table of contents.
Sec. 2. Statement of purpose.
Sec. 3. Authorization of appropriations.
TITLE I—VOCATIONAL EDUCATION ASSISTANCE TO THE STATES.
Part A—Allotment and Allocation.
Sec. 101. Allotment.
Sec. 101A. The territories.
Sec. 102. Within State allocation.
Sec. 103. Indian and Hawaiian natives programs.
Part B—State Organizational and Planning Responsibilities.
Sec. 111. State administration.
Sec. 112. State council on vocational education.
Sec. 113. State plan.
Sec. 114. State plan approval.
Sec. 115. State and local standards and measures.
Sec. 116. State assessment and evaluation.
Sec. 117. Program evaluation and improvement.
Sec. 118. Criteria for services and activities for individuals who are members of special populations.
TITLE II—BASIC STATE GRANTS FOR VOCATIONAL EDUCATION.
Part A—State Programs.
Sec. 201. State programs and State leadership.
Part B—Other State Administered Programs.

Subpart 1—Programs to Provide Single Parents, Displaced Homemakers, and Single Pregnant Women With Marketable Skills and to Promote the Elimination of Sex Bias.

Sec. 221. Programs for single parents, displaced homemakers, and single pregnant women.

Sec. 222. Sex equity programs.

Sec. 223. Competitive award of amounts; evaluation of programs.

Subpart 2—Corrections Education.

Sec. 225. Programs for criminal offenders.

Part C—Secondary, Postsecondary, and Adult Vocational Education Programs.

Subpart 1—Within State Allocation.

Sec. 231. Distribution of funds to secondary school programs.

Sec. 232. Distribution of funds to postsecondary and adult programs.

Sec. 233. Special rule for minimal allocation.

Sec. 234. Reallocation.

Subpart 2—Uses of Funds.

Sec. 235. Uses of funds.

Subpart 3—Local Application.

Sec. 240. Local application.

TITLE III—SPECIAL PROGRAMS.

Part A—State Assistance for Vocational Education Support Programs by Community-Based Organizations.

Sec. 301. Applications.

Sec. 302. Uses of funds.

Part B—Consumer and Homemaking Education.

Sec. 311. Consumer and homemaking education grants.

Sec. 312. Use of funds from consumer and homemaking education grants.

Sec. 313. Information dissemination and leadership.

Part C—Comprehensive Career Guidance and Counseling Programs.

Sec. 321. Grants for career guidance and counseling.

Sec. 322. Use of funds from career guidance and counseling grants.

Sec. 323. Information dissemination and leadership.

Part D—Business-Labor-Education Partnership for Training.

Sec. 331. Findings and purpose.

Sec. 332. Authorization of grants.

Sec. 333. Use of funds.

Part E—Tech-Prep Education.

Sec. 341. Short title.

Sec. 342. Findings and purpose.

Sec. 343. Program authorized.

Sec. 344. Tech-prep education programs.

Sec. 345. Applications.

Sec. 346. Reports.

Sec. 347. Definitions.

Part F—Supplementary State Grants for Facilities and Equipment and Other Program Improvement Activities.

Sec. 351. Statement of purpose.

Sec. 352. Allotment to States.

Sec. 353. Allocation to local educational agencies.

Sec. 354. Uses of funds.

Sec. 355. State applications.

Sec. 356. Local applications.

Part G—Community Education Employment Centers and Vocational Education Lighthouse Schools.

Subpart 1—Community Education Employment Centers.

Sec. 361. Short title.

Sec. 362. Purpose.

Sec. 363. Program authorized.

Sec. 364. Program requirements.

Sec. 365. Support services requirements.

Sec. 366. Parental and community participation.

Sec. 367. Professional staff.

Sec. 368. Eligibility.
Sec. 369. Application.
Sec. 370. Evaluation and report.
Sec. 371. Definitions.
Subpart 2—Vocational Education Lighthouse Schools.
Sec. 375. Vocational education lighthouse schools.
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Sec. 420. Demonstration projects for the integration of vocational and academic learning.

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Sec. 422. National Occupational Information Coordinating Committee.

Sec. 423. Information base for vocational education data system.

Sec. 424. Miscellaneous provisions.

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Sec. 431. Council established.

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TITLE V—GENERAL PROVISIONS.

Part A—Federal Administrative Provisions.

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Sec. 513. Identification of State-imposed requirements.

Sec. 514. Prohibition on use of funds to induce out-of-State relocation of businesses.

Sec. 515. State administrative costs.

Sec. 516. Additional administrative requirements.

Part C—Definitions.

Sec. 521. Definitions.

SEC. 2. STATEMENT OF PURPOSE.

It is the purpose of this Act to make the United States more competitive in the world economy by developing more fully the academic and occupational skills of all segments of the population. This purpose will principally be achieved through concentrating resources on improving educational programs leading to academic and occupational skill competencies needed to work in a technologically advanced society.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There are authorized to be appropriated $1,600,000,000 for fiscal year 1991 and such sums as may be necessary for each of the fiscal years 1992, 1993, 1994, and 1995 to carry out the provisions of titles I, II, III, and IV of this Act.

(b) **TITLE I.**—

(1) Of the amounts remaining from amounts made available under subsection (a) after providing amounts for the programs described in paragraph (2) and subsections (d) and (f)—

(A) 1.5 percent shall be available to carry out the provisions of section 103, relating to Indian and Hawaiian natives programs; and

(B) 0.2 percent shall be available to carry out the provisions of section 101A, relating to the territories.

(2) Of the amounts made available in the fiscal year 1991 under subsection (a), not more than $9,000,000 shall be available to carry out the provisions of section 112, relating to State councils on vocational education.

(c) **BASIC PROGRAMS.**—Of the amounts remaining from amounts made available under subsection (a) after providing amounts for the programs described in subsections (b)(2), (d), and (f), 95.8 percent shall be available to carry out the provisions of title II, relating to basic programs.

(d) **SPECIAL PROGRAMS.**—

(1) Subject to paragraph (2), of the amounts made available under subsection (a) for the fiscal year 1991—

(A) not more than $15,000,000 shall be made available to carry out the provisions of part A of title III, relating to State assistance for vocational education support programs by community-based organizations;

(B) not more than $38,500,000 shall be available to carry out the provisions of part B of title III, relating to consumer and homemaking education;

(C) not more than $20,000,000 shall be available to carry out the provisions of part C of title III, relating to comprehensive career guidance and counseling programs;

(D) not more than $10,000,000 shall be available to carry out the provisions of part D of title III, relating to business-labor-education partnerships;

(E) not more than $125,000,000 shall be available to carry out the provisions of part E of title III, relating to tech-prep education;

(F) not more than $100,000,000 shall be available to carry out the provisions of part F of title III, relating to supplementary State grants for facilities and equipment and other program improvement activities;

(G) not more than $10,000,000 shall be available to carry out the provisions of part G of title III, of which—

(i) an amount equal to 75 percent of the amounts made available to carry out such part shall be available to carry out the provisions of subpart 1 of such part, relating to community education employment centers; and

(ii) an amount equal to 25 percent of the amounts made available to carry out such part shall be available to carry out the provisions of subpart 2 of such part, relating to vocational education lighthouse schools; and

(H) not more than $4,000,000 shall be available to carry out the provisions of part H of title III, relating to tribally controlled postsecondary vocational institutions.

(2) Notwithstanding the provisions of paragraph (1), amounts shall be available to carry out the provisions of part C, D, or G of title III in any fiscal year only to the extent that the amount available for such fiscal year to carry out the provisions of title II exceeds $1,000,000,000.

(e) **NATIONAL PROGRAMS.**—For each fiscal year, of the amounts remaining from amounts available pursuant to subsection (a) after providing amounts for the programs described in subsections (b)(2), (d), and (f), 2.5 percent of such remainder shall be available to carry out the provisions of title IV (other than parts D and E), relating to national programs.

(f) **OTHER NATIONAL PROGRAMS.**—

(1) Of amounts made available under subsection (a) for the fiscal year 1991, not more than $350,000

shall be available to carry out the provisions of part D of title IV, relating to the National Council on Vocational Education.

(2) Of amounts made available under subsection (a) for the fiscal year 1991, not more than $10,000,000 shall be available to carry out the provisions of part E of title IV, relating to bilingual vocational training programs.

SEC. 4. INTERDEPARTMENTAL TASK FORCE ON COORDINATION OF VOCATIONAL EDUCATION AND RELATED PROGRAMS.

(a) **ESTABLISHMENT.**—There is established the Interdepartmental Task Force on Vocational Education and Related Programs (in this section referred to as the "Task Force").

(b) **MEMBERSHIP.**—The Task Force shall consist of the Secretary of Education, the Secretary of Labor, the Secretary of Health and Human Services, and such other personnel of the Department of Education, the Department of Labor, and the Department of Health and Human Services as the Secretaries consider appropriate.

(c) **DUTIES.**—The Task Force shall—

(1)examine principal data required for programs under the Adult Education Act, the Carl D. Perkins Vocational and Applied Technology Education Act, the Job Training Partnership Act, the Rehabilitation Act of 1973, and the Wagner-Peyser Act;

(2)examine possible common objectives, definitions, measures, and standards for such programs; and

(3)consider integration of research and development conducted with Federal assistance in the area of vocational education and related areas, including areas of emerging technologies.

(d) **REPORT TO CONGRESS.**—The Task Force shall, every 2 years, submit a report on its findings to the appropriate committees of the Congress.

TITLE I—VOCATIONAL EDUCATION ASSISTANCE TO THE STATES

Part A—Allotment and Allocation.

SEC. 101. ALLOTMENT.

(a) **IN GENERAL.**—

(1) In each fiscal year, of the amounts remaining from amounts made available under section 3(a) after providing amounts for the programs described in subsections (b)(2), (d), and (f) of section 3, the Secretary shall reserve—

(A) 2.5 percent for the activities described in title IV (other than parts D and E);

(B) 1.5 percent for the purpose of carrying out section 103, of which—

(i) 1.25 percent shall be for the purpose of carrying out section 103(b); and

(ii) .25 percent shall be for the purpose of carrying out section 103(c); and

(C) .2 percent for the purpose of carrying out section 101A.

(2) Subject to the provisions of paragraph (3), from the remainder of the sums appropriated pursuant to sections 3(a) and 3(b), the Secretary shall allot to each State for each fiscal year—

(A) an amount which bears the same ratio to 50 percent of the sums being allotted as the product of the population aged fifteen to nineteen inclusive, in the State in the fiscal year preceding the fiscal year for which the determination is made and the State's allotment ratio bears to the sum of the corresponding products for all the States;

(B) an amount which bears the same ratio to 20 percent of the sums being allotted as the product of the population aged twenty to twenty-four, inclusive, in the State in the fiscal year preceding the fiscal year for which the determination is made and the State's allotment ratio bears to the sum of the corresponding products for all the States;

(C) an amount which bears the same ratio to 15 percent of the sums being allotted as the product of the population aged twenty-five to sixty-five, inclusive, in the State in the fiscal year preceding the fiscal year for which the determination is made and the State's allotment ratio bears to the sum of the corresponding products for all the States; and

(D) an amount which bears the same ratio to 15 percent of the sums being allotted as the amounts allotted to the State under clauses (A), (B), and (C) for such years bears to the sum of the amounts allotted to all the States under clauses (A), (B), and (C) for such year.

(3)(A)(i) Notwithstanding any other provision of law and subject to clause (ii), for any fiscal year for programs authorized by title II or part B of title III of this Act, no State shall receive less than the payments made to the State for each such program for fiscal year 1985 under Public Laws 98-619 and 99-88. Amounts necessary for increasing such payments to States to comply with the preceding sentence shall be obtained by ratably reducing the amounts to be paid to other States, but no such amount shall be reduced to an amount which is less than the amount a State received under the Act for each such program for fiscal year 1985.

(ii) If for any fiscal year the amount appropriated for programs authorized by title II or part B of title III and available for allotment under this section is insufficient to satisfy the provisions of clause (i), the payments to all States for each such program shall be ratably reduced as necessary.

(B)(i) Notwithstanding any other provision of law and subject to subparagraphs (A), (C), and (D) and clause (ii), for any fiscal year for which the amounts appropriated for programs authorized by title II or part A, B, C, or D of title III (and available for allotment under this section) exceed the amounts so available for fiscal year 1985, no State shall receive less than one-half of one percent of the amount available for each such program for that fiscal year under this subsection. Amounts necessary for increasing such payments to States to comply with the preceding sentence shall be obtained by ratably reducing the amounts to be paid to other States.

(ii) Due to the application of the provisions of clause (i), for any fiscal year, no State shall receive more than 150 percent of the payments made to the State for each program authorized by title II, or part A, B, C, or D of title III for the preceding fiscal year.

(C) In the case of the Virgin Islands, the minimum allotment for all programs under this Act shall not be less than $200,000.

(D)(i) Subject to clause (iii), no State shall, by reason of subparagraph (B), be allotted more than the lesser of—

(I) 150 percent of the amount that the State received in the preceding fiscal year; and

(II) the amount calculated under clause (ii).

(ii) The amount calculated under this clause shall be determined by multiplying—

(I) the number of individuals in the State counted under paragraph (2) in the preceding fiscal year; by

(II) 150 percent of the national average per pupil payment made with funds available under this section for that year.

(iii) Notwithstanding the provisions of clauses (i) and (ii), no State shall be allotted an amount under this section in any fiscal year that is less than the amount such State is allotted in the fiscal year 1991.

(b) If the Secretary determines that any amount of any State's allotment under subsection (a) for any fiscal year will not be required for such fiscal year for carrying out the program for which such amount has been allotted, the Secretary shall make such amount available for reallotment. Any such reallotment among other States shall occur on such dates during the same year as the Secretary shall fix, and shall be made on the basis of criteria established by regulation. No funds may be reallotted for any use other than the use for which they were appropriated. Any amount reallotted to a State under this subsection for any fiscal year shall remain available for obligation during the succeeding fiscal year and shall be deemed to be part of its allotment for the year in which it is obligated.

(c)(1) The allotment ratio for any state shall be 1.00 less the product of—

(A) 0.50; and

(B) the quotient obtained by dividing the per capita income for the State by the per capita income for all the States (exclusive of Puerto Rico and the Virgin Islands), except that (i) the allotment ratio in no case shall be more than 0.60 or less than 0.40 and (ii) the allotment ratio for Puerto Rico and the Virgin Islands shall be 0.60.

(2) The allotment ratios shall be promulgated by the Secretary for each fiscal year between October 1 and December 31 of the fiscal year preceding the fiscal year for which the determination is made. Allotment ratios shall be computed on the basis of the average of the appropriate per capita incomes for the three most recent consecutive fiscal years for which satisfactory data are available.

(3) The term 'per capita income' means, with respect to a fiscal year, the total personal income in the calendar year ending in such year, divided by the population of the area concerned in such year.

(4) For the purposes of this section, population shall be determined by the Secretary on the basis of the latest estimates available to the Department.

(d) For the purpose of this section, the term 'State' means any one of the fifty States, the Commonwealth of Puerto Rico, the District of Columbia, and the Virgin Islands.

SEC. 101A. THE TERRITORIES.

(a) **THE TERRITORIES.**—From funds reserved pursuant to section 101(a)(1)(C), the Secretary shall—

(1) make a grant in the amount of $500,000 to Guam; and

(2) make a grant in the amount of $190,000 to each of American Samoa, the Commonwealth of the Northern Mariana Islands, and Palau (until the Compact of Free Association with Palau takes effect pursuant to section 101(a) of Public Law 99-658).

(b) **REMAINDER.**—Subject to the provisions of subsection (a), the Secretary shall make a grant of the remainder of funds reserved pursuant to section 101(a)(1)(C) to the Center for the Advancement of Pacific Education, Honolulu, Hawaii, or its successor entity as the Pacific regional educational laboratory to make grants for vocational education and training in Guam, American Samoa, Palau, the Commonwealth of the Northern Marianas, the Federated States of Micronesia, and the Republic of the Marshall Islands, for the purpose of providing direct educational services, including—

(1) teacher and counselor training and retraining;

(2) curriculum development; and

(3) improving vocational education and training programs in secondary schools and institutions of higher education, or improving cooperative programs involving both secondary schools and institutions of higher education.

(c) **LIMITATION.**—The Center for the Advancement of Pacific Education may use not more than 5 percent of the funds received pursuant to subsection (b) for administrative costs.

SEC. 102. WITHIN STATE ALLOCATION.

(a) **PROGRAMS OTHER THAN STATE GRANTS.**—From the allotment made to each State from funds appropriated under section 3(a) for each fiscal year—

(1) an amount equal to at least 75 percent of the allotment shall be available only for basic programs under part C of title II;

(2) an amount equal to 10.5 percent of the allotment shall be available only for the program for single parents, displaced homemakers, and single pregnant women described in section 221 and the sex equity program described in section 222, of which—

(A) not less than 7 percent of such allotment shall be reserved for the program for single parents, displaced homemakers, and single pregnant women; and

(B) not less than 3 percent of such allotment shall be reserved for the sex equity program;

(3) an amount equal to not more than 8.5 percent of the allotment shall be available only for State programs and activities described in section 201;

(4) the State may use for administration of the State plan an amount that does not exceed 5 percent of the allotment or $250,000, whichever is greater, of which—

(A) not less than $60,000 shall be available only for purposes of carrying out the provisions of section 111(b) (1); and

(B) remaining amounts may be used for the costs of —

(i) developing the State plan;

(ii) reviewing local applications;

(iii) monitoring and evaluating program effectiveness;

(iv) providing technical assistance; and

(v) assuring compliance with all applicable Federal laws, including required services and activities for the individuals who are members of special populations;

(5) an amount equal to 1 percent of the allotment shall be available only for programs for criminal offenders under section 225.

(b) **MATCHING REQUIREMENT.**—Each State receiving financial assistance under this Act shall match, from non-Federal sources and on a dollar-for-dollar basis, the funds reserved pursuant to subsection (a)(4).

(c) **HOLD HARMLESS PROVISION.**—

(1) Except as provided in paragraph (2) and notwithstanding the provisions of subsection (a), each State shall reserve for the program for single parents, displaced homemakers, and single pregnant women under section 221, the sex equity program under section 222, and the program for criminal offenders under section 225, respectively, an amount that is not less than the amount such State reserved for each such program in the fiscal year 1990.

(2) In any year in which a State receives an amount for purposes of carrying out programs under title II that is less than the amount such State received for such purposes in the fiscal year 1990, such State shall ratably reduce the amounts reserved under paragraph (1).

SEC. 103. INDIAN AND HAWAIIAN NATIVES PROGRAMS.

(a)(1) For the purpose of this section—

(A) the term "Act of April 16, 1934" means the Act entitled "An Act authorizing the Secretary of the Interior to arrange with States or territories for the education, medical attention, relief of distress, and social welfare of Indians, and for other purposes," enacted April 16, 1934 (48 Stat. 596; 25 U.S.C. 452-457); and

(B) the term "Hawaiian native" means any individual any of whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.

(2) From the funds reserved pursuant to section 101(a)(1)(B), the Secretary shall enter into contracts for Indian and Hawaiian native programs in accordance with the provisions of this section.

(b)(1)(A) From the funds reserved pursuant to section 101(a)(1)(B)(i), the Secretary is directed—

(i) upon the request of any Indian tribe which is eligible to contract with the Secretary of the Interior for the administration of programs under the Indian Self-Determination Act or under the Act of April 16, 1934; or

(ii) upon an application received from a Bureau funded school (as such term is defined in section 1139(3) of the Education Amendments of 1978) offering secondary programs filed at such time and under such conditions as the Secretary may prescribe, to make grants to or enter into contracts with any tribal organization of any such Indian tribe or to make a grant to such Bureau funded school, as appropriate, to plan, conduct, and administer programs or portions of programs authorized by and consistent with the purposes of this Act, except that—

(I) such grants or contracts with any tribal organization shall be subject to the terms and conditions of section 102 of the Indian Self-Determination Act and shall be conducted in accordance with the provisions of sections 4, 5, and 6 of the Act of April 16, 1934, which are relevant to the programs administered under this sentence; and

(II) such grants to Bureau funded schools shall not be subject to the requirements of the Indian Self-Determination Act or the Act of April 16, 1934.

(B)(i) Any tribal organization or school eligible to receive assistance under this paragraph may apply individually or as part of a consortium with another such tribal organization or school.

(ii) In the case of a Bureau funded school, the minimum amount of a grant made under this section shall be $35,000.

(C) The Secretary may not place upon grants made or contracts entered into under this paragraph any restrictions relating to programs or outcomes other than restrictions which apply to grants made to or contracts entered into with States under section 101. The Secretary, in making grants under this paragraph, shall give special consideration to—

(i) grants which involve, coordinate with, or encourage tribal economic development plans; and

(ii) applications from tribally controlled community colleges which—

(I) are accredited or are candidates for accreditation by a nationally recognized accreditation organization as an institution of postsecondary vocational education; or

(II) *operate vocational education programs that are accredited or are candidates for* accreditation by a nationally recognized accreditation organization and issue certificates for completion of vocational education programs.

(2) The Bureau of Indian Affairs shall expend an amount equal to the amount made available under this subsection, relating to programs for Indians, to pay a part of the costs of programs funded under this subsection. During each fiscal year the Bureau of Indian Affairs shall expend no less than the amount expended during the prior fiscal year on vocational education programs, services, and activities administered either directly by, or under contract with, the Bureau of Indian Affairs. The Secretary and the Assistant Secretary of the Interior for Indian Affairs shall jointly prepare a plan for the expenditure of funds made available and for the evaluation of programs assisted under this subsection. Upon the completion of a joint plan for the expenditure of these funds and the evaluation of the programs, the Secretary shall assume responsibility for the administration of the program, with the assistance and consultation of the Bureau of Indian Affairs.

(3) Programs funded under this subsection shall be in addition to such other programs, services, and activities as are made available to eligible Indians under other provisions of this Act.

(4) For the purposes of this Act, the Bureau of Indian Affairs shall be deemed to be a State board; and all the provisions of this Act shall be applicable to the Bureau as if it were a State board.

(c) From the funds reserved pursuant to section 101(a)(1)(B)(ii), the Secretary is directed, to enter into contracts with organizations primarily serving and representing Hawaiian natives which are recognized by the Governor of the State of Hawaii to plan, conduct, and administer programs, or portions thereof, which are authorized by and consistent with the provisions of this section for the benefit of Hawaiian natives.

Part B—State Organizational and Planning Responsibilities.

SEC. 111. STATE ADMINISTRATION.

(a)(1) Any State desiring to participate in the vocational education program authorized by this Act shall, consistent with State law, designate or establish a State board of vocational education which shall be the sole State agency responsible for the administration or the supervision of the State vocational education program. The responsibilities of the State board shall include—

(A) coordination of the development, submission, and implementation of the State plan, and the evaluation of the program, services, and activities assisted under this Act pursuant to section 113(b)(8), section 116, and section 117;

(B) the development, in consultation with the State council on vocational education, and the submission to the Secretary, of the State plan required by section 113 and by section 114;

(C) consultation with the State council established pursuant to section 112, and other appropriate agencies, groups, and individuals, including business, industry, and labor involved in the planning, administration, evaluation, and coordination of programs funded under this Act;

(D) convening and meeting as a State board (consistent with State law and procedure for the conduct of such meetings) at such time as the State board determines necessary to carry out its functions under this Act, but not less than four times annually; and

(E) the adoption of such procedures as the State board considers necessary to implement State level coordination with the State job training coordinating council to encourage cooperation in the conduct of their respective programs.

Except with respect to the functions set forth in the preceding sentence, the State board may delegate any of its other responsibilities involving administration, operation, or supervision, in whole or in part, to one or more appropriate State agencies.

(2) Each State shall include a description of any delegation of its functions under paragraph (1) in its State plan, or amendments to such plan, submitted to the Secretary.

(b)(1) Any State desiring to participate in the programs authorized by this Act shall assign one individual within the appropriate agency established or designated by the State board under the last sentence of subsection (a)(1) to administer vocational education programs within the State, to work full-time to assist the State board to fulfill the purposes of this Act by—

(A) administering the program of vocational education for single parents and homemakers described in section 221 and the sex equity program described in section 222;

(B) gathering, analyzing, and disseminating data on the adequacy and effectiveness of vocational education programs in the State in meeting the education and employment needs of women (including preparation for employment in technical occupations, new and emerging occupational fields, and occupations regarded as nontraditional for women), and on the status of men and women students and employees in such programs;

(C) reviewing and commenting upon, and making recommendations concerning, the plans of local educational agencies, area vocational education schools, intermediate educational agencies, and postsecondary educational institutions to ensure that the needs of women and men for training in nontraditional jobs are met;

(D) reviewing vocational education programs (including career guidance and counseling) for sex stereotyping and sex bias, with particular attention to practices which tend to inhibit the entry of women in high technology occupations, and submitting (i) recommendations for inclusion in the State plan of programs and policies to overcome sex bias and sex stereotyping in such programs, and (ii) an assessment of the State's progress in meeting the purposes of this Act with regard to overcoming sex discrimination and sex stereotyping;

(E) reviewing proposed actions on grants, contracts, and the policies of the State board to ensure that the needs of women are addressed in the administration of this Act;

(F) developing recommendations for programs of information and outreach to women, concerning vocational education and employment opportunities for women (including opportunities for careers as technicians and skilled workers in technical fields and new and emerging occupational fields);

(G) providing technical assistance and advice to local educational agencies, postsecondary institutions, and other interested parties in the State, in expanding vocational opportunities for women;

(H) assisting administrators, instructors, and counselors in implementing programs and activities to increase access for women (including displaced homemakers and single heads of households) to vocational education and to increase male and female students' enrollment in nontraditional programs;

(I) developing an annual plan for the use of all funds available for such programs;

(J) managing the distribution of funds pursuant to section 223;

(K) monitoring the use of funds distributed to recipients under such programs; and

(L) evaluating the effectiveness of programs and activities supported by such funds.

(2) For the purpose of this subsection, the term "State" means any one of the fifty States and the District of Columbia.

(3) Each State shall from funds allocated under section 102(a)(4)(A) expend not less than $60,000 in each fiscal year to carry out the provisions of this subsection.

(c) **REVIEW OF PLANS WITH RESPECT TO STUDENTS WITH HANDICAPS.—**

(1) Any State desiring to participate in the programs authorized by this Act shall designate or assign the head of the State office responsible for administering part B of the Education of the Handicapped Act to review the implementation of the provisions of this Act as such provisions relate to students with handicaps by reviewing all or a representative sample of plans of eligible recipients to—

(A) assure that individuals with handicaps are receiving vocational education services;

(B) assure that the plans of the eligible recipient provide assurances of compliance with the provisions of section 504 of the Rehabilitation Act of 1973 and the Education of the Handicapped Act regarding equal access to programs; and

(C) assure that the eligible recipients have—

(i) identified the number of students with handicaps enrolled in vocational programs operated by the eligible recipient;

(ii) assessed the vocational needs of the students identified pursuant to clause (i); and

(iii) developed an adequate plan to provide supplementary services sufficient to meet the needs of such students.

(2) For the purposes of this subsection and subsections (d) and (e), the term 'State' means any 1 of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(d) **NEEDS OF ECONOMICALLY DISADVANTAGED STUDENTS.**—Any State desiring to participate in the programs authorized by this Act shall assign the head of the State office or other appropriate individual responsible for coordinating services under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 to review all or a representative sample of plans of the eligible recipients to ensure that the number of economically disadvantaged students have been identified, and that the needs of such students are being met as outlined by such plans.

(e) **NEEDS OF STUDENTS OF LIMITED ENGLISH PROFICIENCY.**—Any State desiring to participate in the programs authorized by this Act shall designate or assign the head of the State office or other appropriate individual responsible for administering programs for students with limited English proficiency to review all or a representative sample of the plans of the eligible recipients to ensure that the numbers of students with limited English proficiency have been identified and that the needs of such students for participation in vocational education programs are being met as outlined by such plans.

(f) The State board shall make available to each private industry council established under section 102 of the Job Training Partnership Act within the State a listing of all programs assisted under this Act.

(g) Each State board, in consultation with the State council, shall establish a limited number of technical committees to advise the council and the board on the development of model curricula to address State labor market needs. Technical committees shall develop an inventory of skills that may be used by the State board to define state-of-the-art model curricula. Such inventory will provide the type and level of knowledge and skills needed for entry, retention, and advancement in occupational areas taught in the State. The State board shall establish procedures for membership, operation, and duration of such committees consistent with the purposes of this Act. The membership shall be representatives of—

(1) employers from any relevant industry or occupation for which the committee is established;

(2) trade or professional organizations representing any relevant occupations; and

(3) organized labor, where appropriate.

SEC. 112. STATE COUNCIL ON VOCATIONAL EDUCATION.

(a) Each State which desires to participate in vocational education programs authorized by this Act for any fiscal year shall establish a State council, which shall be appointed by the Governor, or in the case of States in which the members of the State board of education are elected (including election by the State legislature), by such board. Each State council shall be composed of 13 individuals, and shall be broadly representative of citizens and groups within the State having an interest in vocational education. Each State council shall consist of—

(1) seven individuals who are representative of the private sector in the State who shall constitute a majority of the membership—

(A) five of whom shall be representative of business, industry, trade organizations and agriculture, including—

(i) one member who is representative of small business concerns; and

(ii) one member who is a private sector member of the State job training coordinating council (established pursuant to section 122 of the Job Training Partnership Act), and

(B) two of whom shall be representatives of labor organizations;

(2) six individuals who are representative of secondary and postsecondary vocational institutions (equitably distributed among such institutions), career guidance and counseling organizations within the State, individuals who have special knowledge and qualifications with respect to the special educational and career development needs of special populations (including women, the disadvantaged, the handicapped, individuals with limited English proficiency, and minorities) and of whom one member shall be representative of special education, and may include members of vocational student organizations and school board members. In selecting individuals under subsection (a) to serve on the State council, due consideration shall be given to the appointment of individuals who serve on a private industry council under the Job Training Partnership Act, or on State councils established under other related Federal Acts. No employee of the State board shall serve on the State council.

(b) The State shall certify to the Secretary the establishment and membership of the State council by the beginning of each State plan period described in section 113(a)(1).

(c) Each State council shall meet as soon as practical after certification has been accepted by the Secretary and shall select from among its membership a chairperson who shall be representative of the private sector. The time, place, and manner of meeting, as well as council operating procedures and staffing, shall be as provided by the rules of the State council, except that such rules must provide for not less than one public meeting each year at which the public is given an opportunity to express views concerning the vocational education program of the State.

(d) During each State plan period described in section 113 (a)(1), each State council shall—

(1) meet with the State board or its representatives to advise on the development of the subsequent State plan;

(2) make recommendations to the State board and make reports to the Governor, the business community, and general public of the State, concerning—

(A) the State plan;

(B) policies the State should pursue to strengthen vocational education (with particular attention to programs for the handicapped); and

(C) initiatives and methods the private sector could undertake to assist in the modernization of vocational education programs;

(3) analyze and report on the distribution of spending for vocational education in the State and on the availability of vocational education activities and services within the State;

(4) furnish consultation to the State board on the establishment of evaluation criteria for vocational

education programs within the State;

(5) submit recommendations to the State board on the conduct of vocational education programs conducted in the State which emphasize the use of business concerns and labor organizations;

(6) assess the distribution of financial assistance furnished under this Act, particularly with the analysis of the distribution of financial assistance between secondary vocational education programs and postsecondary vocational education programs;

(7) recommend procedures to the State board to ensure and enhance the participation of the public in the provision of vocational education at the local level within the State, particularly the participation of local employers and local labor organizations;

(8) report to the State board on the extent to which individuals who are members of special populations are provided with equal access to quality vocational education programs;

(9) analyze and review corrections education programs; and

(10)(A) evaluate at least once every 2 years—

(i) the extent to which vocational education, employment and training programs in the State represent a consistent, integrated, and coordinated approach to meeting the economic needs of the State,

(ii) the vocational educational program delivery system assisted under this Act, and the job training program delivery system assisted under the Job Training Partnership Act, in terms of such delivery systems' adequacy and effectiveness in achieving the purposes of each of the 2 Acts, and

(iii) make recommendations to the State board on the adequacy and effectiveness of the coordination that takes place between vocational education and the Job Training Partnership Act;

(B) comment on the adequacy or inadequacy of State action in implementing the State Plan;

(C) make recommendations to the State board on ways to create greater incentives for joint planning and collaboration between the vocational education system and the job training system at the State and local levels; and

(D) advise the Governor, the State board, the State job training coordinating council, the Secretary, and the Secretary of Labor regarding such evaluation, findings, and recommendations.

(e) Each State council is authorized to obtain the services of such professional, technical, and clerical personnel as may be necessary to enable it to carry out its functions under this Act and to contract for such services as may be necessary to enable the Council to carry out its evaluation functions, independent of programmatic and administrative control by other State boards, agencies, and individuals. Each State Council may submit a statement to the Secretary reviewing and commenting upon the State plan. Such statement shall be sent to the Secretary with the State Plan.

(f)(1)(A) Except as provided in subparagraph (B), from the sums appropriated pursuant to section 3(c) the Secretary shall first make grants of $150,000 to each State council. From the remainder of such sums the Secretary shall allot to each State council an amount in accordance with the method of allotment set forth in section 101(a)(2) of this Act, provided that—

(i) no State council shall receive more than $250,000 for each fiscal year;

(ii) no State council shall receive less than $150,000 for each fiscal year; and

(iii) no State council shall receive less than such State council was allotted in fiscal year 1990;

(B) From the sums appropriated pursuant to section 3(c), for each fiscal year, the Secretary shall make grants of—

(i) $60,000 to each of the State councils of the Virgin Islands, and Guam; and

(ii) $25,000 to each of the State councils of American Samoa, Palau (until the Compact of Free Association with Palau takes effect pursuant to section 101(a) of Public Law 99-658), and the Commonwealth of the Northern Mariana Islands.

(2) The expenditure of the funds paid pursuant to this subsection is to be determined solely by the State council for carrying out its functions under this Act, and may not be diverted or reprogrammed for any other purpose by any State board, agency, or individual. Each State council shall designate an appropriate State agency or other public agency, eligible to receive funds under this Act, to act as its fiscal agent for purposes of disbursement, accounting, and auditing.

SEC. 113. STATE PLAN.

(a) **IN GENERAL.—**

(1)(A) Any State desiring to receive funds from its allotment for any fiscal year shall submit to the Secretary a State plan for a 3-year period in the case of the initial plan, and a 2-year period thereafter, together with such annual revisions as the State board determines to be necessary.

(B) The planning periods required by subparagraph (A) shall be coterminous with the planning program periods required under section 104(a) of the Job Training Partnership Act.

(2)(A) In formulating the State plan (and amendments thereto) the State board shall meet with and utilize the State council, established pursuant to section 112.

(B) The State board shall conduct public hearings in the State, after appropriate and sufficient notice, for the purpose of affording all segments of the public and interested organizations and groups an opportunity to present their views and make recommendations regarding the State plan. A summary of such recommendations and the State board's response shall be included with the State plan.

(3) In developing the State plan, the State shall conduct an assessment according to section 116. Such assessment shall include analysis of—

(A) the relative academic, occupational, training, and retraining needs of secondary, adult, and postsecondary students; and

(B) the capability of vocational education programs to provide vocational education students, to the extent practicable, with—

(i) strong experience in and understanding of all aspects of the industry the students are preparing to enter (including planning, management, finances, technical and production skills, underlying principles of technology, labor and community issues, and health, safety, and environmental issues); and

(ii) strong development and use of problem-solving skills and basic and advanced academic skills (including skills in the areas of mathematics, reading, writing, science, and social studies) in a technological setting.

(b) **CONTENTS.**—Each State plan shall—

(1) describe the procedures and the results of each of the assessments required by section 116(a), including the needs identified by such assessments; and

(2) describe how uses of funds reflect the needs described in paragraph (1);

(3) provide assurances that, and where necessary a description of the manner in which, eligible recipients will comply with the requirements of titles I and II including—

(A) a description of the manner in which the State will comply with the criteria required for programs for individuals who are members of special populations and a description of the responsiveness of such programs to the special needs of such students;

(B) assurances that the State board will develop measurable goals and accountability measures for meeting the needs of individuals who are members of special populations;

(C) assurances that the State board will conduct adequate monitoring of programs conducted by eligible recipients to ensure that programs within the State are meeting the goals described in subparagraph (B); and

(D) assurances that, to the extent consistent with the number and location of individuals who are members of special populations who are enrolled in private secondary schools, provision is made for the participation of such individuals in the vocational education programs assisted under section 231;

(4) describe the estimated distribution of funds to corrections educational agencies as prescribed by section 225, the estimated distribution of funds to local educational agencies, area vocational education schools, or intermediate educational agencies as prescribed by section 231, and the planned estimated distribution of funds to eligible institutions as prescribed by section 232;

(5) provide assurances that the State will comply with the provisions of section 102, including assurances that the State will distribute not less than 75 percent of the funds made available for title II to eligible recipients pursuant to such title;

(6) describe the criteria the State board will use—

(A) in approving applications of eligible recipients, and

(B) for spending the amounts reserved for the State under paragraphs (2) through (5) of section 102(a);

(7) describe how funds expended for occupationally specific training will be used for occupations in which job openings are projected or available, based on a labor market analysis;

(8) provide assurances that the State will develop and implement a system of standards for performance and measures of performance for vocational education programs at the State level that meets the requirements of section 115;

(9) describe, in each State plan submitted after the fiscal year 1991, the progress the State has made in achieving the goals described in previous State plans;

(10) provide such methods of administration as are necessary for the prompt and efficient administration of programs under this Act;

(11) provide assurances that, in the use of funds available for single parents, displaced homemakers, and single pregnant women under section 221, the State will emphasize assisting individuals with the greatest financial need, and that the State will give special consideration to displaced homemakers who because of divorce, separation, or the death or disability of a spouse must prepare for paid employment;

(12) provide assurances that the State will furnish relevant training and vocational education activities to men and women who desire to enter occupations that are not traditionally associated with their sex;

(13) describe how the State is implementing performance evaluations with eligible recipients as prescribed in section 117;

(14) describe the methods proposed for the joint planning and coordination of programs carried out under this Act with programs conducted under the Job Training Partnership Act, the Adult Education Act, chapter 1 of title I of the Elementary and Secondary Education Act of 1965, the Education of the Handicapped Act, and the Rehabilitation Act of 1973, and with apprenticeship programs;

(15) provide assurances that programs of personnel development and curriculum development shall be funded to further the goals identified in the State plan;

(16) provide assurances that the vocational education needs of identifiable segments of the population in the State that have the highest rates of unemployment have been thoroughly assessed, and that such needs are reflected in and addressed by the State plan;

(17) provide assurances that the State board will cooperate with the State council in carrying out the board's duties under this part;

(18) provide assurances that none of the funds expended under this Act will be used to acquire equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any organization representing the interests of the purchasing entity or its employees or any affiliate of such an organization;

(19) provide assurances that State and local funds will be used in the schools of each local educational agency that are receiving funds under this Act to provide services which, taken as a whole, are at least comparable to services being provided in schools in such agency which are not receiving such funds;

(20)(A) provide assurances that the State will provide leadership, supervision, and resources for comprehensive career guidance, vocational counseling, and placement programs;

(B) as a component of the assurances described in subparagraph (A), annually assess and report on the degree to which expenditures aggregated within the State for career guidance and vocational counseling from allotments under title II are not less than such expenditures for such guidance and counseling within the State in the fiscal year 1988;

(21) provide assurances that the State will provide for such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of, and accounting for, Federal funds paid to the State (including such funds paid by the State to eligible recipients under this Act);

(22) provide procedures by which an area vocational education school, intermediate educational agency, or local educational agency may appeal decisions adverse to its interests with respect to programs assisted under this Act; and

(23) describe how the State will comply with the provisions of section 118.

(c) **AMENDMENTS TO STATE PLAN.**—When changes in program conditions, labor market conditions, funding or other factors require substantial amendment to an approved State plan, the State board, in consultation with the State council, shall submit amendments to such State plan to the Secretary. Any such amendments shall be subject to review by the State job training coordinating council and the State council.

SEC. 114. STATE PLAN APPROVAL.

(a) **IN GENERAL.**—The State board shall develop the portion of each State plan relating to the amount and uses of any funds proposed to be reserved for adult education, postsecondary education, tech-prep education, and secondary education after consultation with the State agency responsible for supervision of community colleges, technical institutes, or other 2-year postsecondary institutions primarily engaged in providing postsecondary vocational education, and the State agency responsible for secondary education. The State board shall, in developing such plan, take into consideration the relative training and retraining needs of secondary, adult and postsecondary students, and shall include the State's rationale for distribution of funds. If a State agency finds that a portion of the final State plan is objectional, such agency shall file its objections with the State board. The State board shall respond to any objections of such agency in submitting such plan to the Secretary. The Secretary shall consider such comments in reviewing the State plan.

(b) **TIME FOR SUBMISSION; APPROVAL.**—Each State plan shall be submitted to the Secretary by May 1 preceding the beginning of the first fiscal year for which such plan is to be in effect. The Secretary shall approve each plan before the expiration of the 60-day period beginning on the date the plan is submitted, if the plan meets the requirements of section 113 and is of sufficient quality to meet the objectives of this Act (including the objective of developing and implementing program evaluations and improvements), and shall subsequently take appropriate actions to monitor the State's compliance with the provisions of its plan and the requirements of this Act on a regular basis. The Secretary shall not finally disapprove a State plan except after giving reasonable notice and an opportunity for a hearing to the State board.

SEC. 115. STATE AND LOCAL STANDARDS AND MEASURES.

(a) **GENERAL AUTHORITY.**—Each State board receiving funds under this Act shall develop and implement a statewide system of core standards and measures of performance for secondary and postsecondary vocational education programs. Each State board receiving funds under this Act, before the expiration of the 30-day period beginning on the date of the enactment of the Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1990, shall appoint the State Committee of Practitioners (in this section referred to as the 'Committee') as prescribed by section 512(a) after consulting with local school officials representing eligible recipients, and representatives of organized labor, business, superintendents, community-based organizations, private industry councils established under section 102(a) of the Job Training Partnership Act, State councils, parents, special populations, correctional institutions, the administrator appointed under section 111 (b)(1), the State administrator of programs assisted under part B of the Education of the Handicapped Act, the State administrator of programs assisted under chapter 1 of title I of the Elementary and Secondary Education Act, the State administrator of programs for students of limited English proficiency, and guidance counselors. Such system shall be developed and implemented before the end of the 2-year period beginning on the date of the enactment of the Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1990 and shall apply to all programs assisted under this Act. Eligible recipients may make local modifications to such system based on economic, geographic, or demographic factors, or the characteristics of the population to be served. Such modifications shall conform to the assessment criteria contained in the State plan. The State board shall convene the Committee on a regular basis to review, comment on, and propose revisions to a draft State proposal, which the State board shall develop, for a system of core standards and measures of performance for vocational programs.

(b) **REQUIREMENTS.**—Each system developed under subsection (a) shall include—

(1) measures of learning and competency gains, including student progress in the achievement of basic and more advanced academic skills;

(2) 1 or more measures of performance, which shall include only—

(A) competency attainment;

(B) job or work skill attainment or enhancement including student progress in achieving occupational skills necessary to obtain employment in the field for which the student has been prepared, including occupational skills in the industry the student is preparing to enter;

(C) retention in school or completion of secondary school or its equivalent; and

(D) placement into additional training or education, military service, or employment;

(3) incentives or adjustments that are—

(A) designed to encourage service to targeted groups or special populations; and

(B) for each student, consistent with the student's individualized education program developed under section 614(a)(5) of the Education of the Handicapped Act, where appropriate; and

(4) procedures for using existing resources and methods developed in other programs receiving Federal assistance.

(c) **CONSISTENCY WITH OTHER PROGRAMS.**—In developing the standards and measures included in a system developed under subsection (a), the State board shall take into consideration—

(1) standards and measures developed under job opportunities and basic skills training programs established and operated under a plan approved by the Secretary of Health and Human Services that meets the requirements of section 402(a)(19) of the Social Security Act; and

(2) standards prescribed by the Secretary of Labor under section 106 of the Job Training Partnership Act.

(d) **INFORMATION PROVIDED BY STATE BOARD.**—

(1) The Committee shall make recommendations to the State board with respect to modifying standards and measures to be used under this section, based on the information provided under paragraph (2).

(2) To assist the Committee in formulating recommendations under paragraph (1), the State board shall provide to the Committee information concerning differing types of standards and measurements, including—

(A) the advantages and disadvantages of each type of standard or measurement;

(B) instances in which such standards and measures have been effective; and

(C) instances in which such standards and measures have not been effective.

(3) In the event that the State board does not accept the Committee's recommendations made as required by paragraph (1), the State board shall set forth in the State plan its reasons for not accepting such recommendations.

(e) **TECHNICAL ASSISTANCE.**—The Secretary shall provide technical assistance to the States with respect to the development of systems under subsection (a). In providing such assistance, the Secretary shall utilize existing resources in other Federal agencies.

(f) **REPORT.**—The Secretary shall submit a report to the appropriate committees of the Congress not later than the expiration of the 4-year period beginning on the date of the enactment of the Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1990. Such report shall include—

(1) a detailed description of the status of each State's system of standards and measures developed as required by this section;

(2) an assessment of the validity, predictiveness, and reliability of such standards and measures, unbiased to special populations, in the areas of academic achievement, vocational skill competencies, employment outcomes, and postsecondary continuation and attainment; and

(3) an evaluation of the comparability of State-developed performance standards across States to establish a core of common indicators.

SEC. 116. STATE ASSESSMENT.

(a) **IN GENERAL.**—Each State board receiving assistance under this Act shall conduct an assessment using measurable objective criteria developed by the State board to assess program quality. Such criteria shall be developed in consultation with representatives of the groups described in section 115(a) and shall use information gathered by the National Occupational Information Coordinating Committee and, if appropriate, other information. Each State board shall widely disseminate such criteria. State boards shall develop such criteria no later than the beginning of the 1991-1992 school year. Such criteria shall include such factors as—

(1) integration of academic and vocational education;

(2) sequential courses of study leading to both academic and occupational competencies;

(3) increased student work skill attainment and job placement;

(4) increased linkages between secondary and postsecondary educational institutions;

(5) instruction and experience, to the extent practicable, in all aspects of the industry the students are preparing to enter;

(6) the ability of the eligible recipients to meet the needs of special populations with respect to vocational education;

(7) raising the quality of vocational education programs in schools with high concentrations of poor and low-achieving students;

(8) the relevance of programs to the workplace and to the occupation for which students are to be trained, and the extent to which such programs reflect a realistic assessment of current and future labor market needs, including needs in areas of emerging technologies;

(9) the ability of the vocational curriculum, equipment, and instructional materials to meet the demands of the workforce;

(10) basic and higher order current and future workplace competencies which will reflect the hiring needs of employers; and

(11) other factors considered appropriate by the State board.

(b) **DEADLINE FOR ASSESSMENT.**—Each State board shall complete the assessment required by subsection (a) before the expiration of the 6-month period beginning on the date of the enactment of the Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1990.

SEC. 117. PROGRAM EVALUATION AND IMPROVEMENT.

(a) **ANNUAL EVALUATION.**—Each recipient of financial assistance under part C of title II shall annually evaluate the effectiveness of the program conducted with assistance under this Act based on the standards and measures (or modifications thereto) developed as required by section 115. As part of each such evaluation, each such recipient shall—

(1) review programs, with the full and informed participation of representatives of individuals who are members of special populations, to—

(A) identify and adopt strategies to overcome any barriers which are resulting in lower rates of access to vocational education programs or success in such programs for individuals who are members of special populations; and

(B) evaluate the progress of individuals who are members of special populations in vocational education programs assisted under this Act; and

(2) evaluate the progress of vocational education programs assisted under this Act in providing vocational education students with strong experience in and understanding of all aspects of the industry the students are preparing to enter.

(b) **LOCAL PROGRAM IMPROVEMENT PLAN.**—Beginning not less than 1 year after the implementation of the provisions of section 115, if any recipient described in subsection (a) determines that the recipient is not making substantial progress in meeting the standards and measures developed as required by section 115, such recipient shall develop a plan, in consultation with teachers, parents, and students concerned, for program improvement for the succeeding school year. Such plan shall describe how the recipient will identify and modify programs funded under part C of title II, including—

(1) a description of vocational education and career development strategies designed to achieve progress in improving the effectiveness of the program conducted with assistance under this Act; and

(2) if necessary, a description of strategies designed to improve supplementary services provided to individuals who are members of special populations.

(c) **STATE AND LOCAL JOINT PLAN.**—If, after 1 year of implementation of the plan described in subsection (b), sufficient progress in meeting the standards and measures developed as required by section 115 has not been made, the State shall work jointly with the recipient and teachers, parents, and students concerned to develop a plan for program improvement. Each such plan shall contain—

(1) a description of the technical assistance and program activities the State will provide to enhance the performance of the eligible recipient;

(2) a reasonable timetable to improve the school performance under the plan;

(3) a description of vocational education strategies designed to improve the performance of the program as measured by the evaluation; and

(4) if necessary, a description of strategies designed to improve supplementary services provided to individuals who are members of special populations.

(d) **FURTHER ACTION.**—The State shall, in conjunction with the eligible recipient, annually review and revise the joint plan developed under subsection (c) in order to improve performance and will continue to do so each consecutive year until the recipient sustains, for more than 1 year, fulfillment of the State and local standards and measures developed under section 115.

SEC. 118. CRITERIA FOR SERVICES AND ACTIVITIES FOR INDIVIDUALS WHO ARE MEMBERS OF SPECIAL POPULATIONS.

(a) **ASSURANCES OF EQUAL ACCESS FOR MEMBERS OF SPECIAL POPULATIONS.**—The State board, in its State plan, shall provide assurances that—

(1) individuals who are members of special populations will be provided with equal access to recruitment, enrollment, and placement activities;

(2) individuals who are members of special populations will be provided with equal access to the full range of vocational education programs available to individuals who are not members of special populations, including occupationally specific courses of study, cooperative education, apprenticeship programs, and, to the extent practicable, comprehensive career guidance and counseling services, and shall not be discriminated against on the basis of their status as member of special populations;

(3) (A)vocational education programs and activities for individuals with handicaps will be provided in the least restrictive environment in accordance with section 612(5)(B) of the Education of the Handicapped Act and will, whenever appropriate, be included as a component of the individualized education program developed under section 614(a)(5) of such Act;

(B) students with handicaps who have individualized education programs developed under section 614(a)(5) of the Education of the Handicapped Act shall, with respect to vocational education programs, be afforded the rights and protections guaranteed such students under sections 612, 614, and 615 of such Act;

(C) students with handicaps who do not have individualized education programs developed under section 614(a)(5) of the Education of the Handicapped Act or who are not eligible to have such program shall, with respect to vocational education programs, be afforded the rights and protections guaranteed such students under section 504 of the Rehabilitation Act of 1973 and, for the purpose of this Act, such rights and protections shall include making vocational education programs readily accessible to eligible individuals with disabilities through the provision of services described in subsection (c)(3);

(D) vocational education planning for individuals with handicaps will be coordinated between appropriate representatives of vocational education, special education, and State vocational rehabilitation agencies; and

(E) the provision of vocational education to each student with handicaps will be monitored to determine if such education is consistent with the individualized education program developed for such students under section 614(a)(5) of the Education of the Handicapped Act, in any case in which such a program exists;

(4) the provision of vocational education will be monitored to ensure that disadvantaged students and students of limited English proficiency have access to such education in the most integrated setting possible; and

(5)(A) the requirements of this Act relating to individuals who are members of special populations—

(i) will be carried out under the general supervision of individuals in the appropriate State educational agency or State board who are responsible for students who are members of special populations; and

(ii) will meet education standards of the State educational agency or State board; and

(B) with respect to students with handicaps, the supervision carried out under subparagraph (A) shall be carried out consistent with and in conjunction with supervision by the State educational agency or State board carried out under section 612(6) of the Education of the Handicapped Act.

(b) **PROVISION OF INFORMATION.—**

(1) Each local educational agency shall provide to students who are members of special populations and parents of such students at least 1 year before the students enter or are of an appropriate age for the grade level in which vocational education programs are first generally available in the

State, but in no event later than the beginning of the ninth grade, information concerning—

(A) the opportunities available in vocational education;

(B) the requirements for eligibility for enrollment in such vocational education programs;

(C) specific courses that are available;

(D) special services that are available;

(E) employment opportunities; and

(F) placement.

(2) Each eligible institution that receives assistance under title II shall provide the information described in paragraph (1) to each individual who requests information concerning or seeks admission to vocational education programs offered by the institution, and, when appropriate, assist in the preparation of applications relating to such admission.

(3) The information provided under this subsection shall, to the extent practicable, be in a language and form that the parents and students understand.

(c) **ASSURANCES.**—Each eligible recipient that receives assistance under title II shall provide assurances that such eligible recipient shall—

(1) assist students who are members of special populations to enter vocational education programs, and, with respect to students with handicaps, assist in fulfilling the transitional service requirements of section 626 of the Education of the Handicapped Act;

(2) assess the special needs of students participating in programs receiving assistance under title II with respect to their successful completion of the vocational education program in the most integrated setting possible;

(3) provide supplementary services to students who are members of special populations, including, with respect to individuals with handicaps—

(A) curriculum modification;

(B) equipment modification;

(C) classroom modification;

(D) supportive personnel; and

(E) instructional aids and devices;

(4) provide guidance, counseling, and career development activities conducted by professionally trained counselors and teachers who are associated with the provisions of such special services; and

(5) provide counseling and instructional services designed to facilitate the transition from school to

post-school employment and career opportunities.

(d) **PARTICIPATORY PLANNING.**—The State board shall—

(1) establish effective procedures, including an expedited appeals procedure, by which parents, students, teachers, and area residents concerned will be able to directly participate in State and local decisions that influence the character of programs under this Act affecting their interests; and

(2) provide technical assistance and design such procedures to ensure that such individuals are given access to the information needed to use such procedures.

TITLE II—BASIC STATE GRANTS FOR VOCATIONAL EDUCATION

Part A—State Programs.

SEC. 201. STATE PROGRAMS AND STATE LEADERSHIP.

(a) **GENERAL AUTHORITY.**—From amounts reserved under section 102(a)(3) each State shall conduct State programs and State leadership activities.

(b) **REQUIRED USES OF FUNDS.**—The programs and activities described in subsection (a) shall include—

(1) professional development activities for vocational teachers and academic teachers working with vocational education students, including corrections educators and counselors, and educators and counselors in community-based organizations, including inservice and preservice training of teachers in state-of-the-art programs and techniques, including integration of vocational and academic curricula, with particular emphasis on inservice and preservice training of minority teachers;

(2) development, dissemination, and field testing of curricula, especially—

(A) curricula that integrate vocational and academic methodologies; and

(B) curricula that provide a coherent sequence of courses through which academic and occupational skills may be measured; and

(3) assessment of programs conducted with assistance under this Act, including the development of—

(A) performance standards and measures for such programs; and

(B) program improvement and accountability with respect to such programs.

(c) **AUTHORIZED ACTIVITIES.**—The programs and activities described in subsection (a) may include—

(1) the promotion of partnerships among business, education (including educational agencies), industry, labor, community-based organizations, or governmental agencies;

(2) the support for tech-prep education as described in section 344;

(3) the support of vocational student organizations, especially with respect to efforts to increase minority participation in such organizations;

(4) leadership and instructional programs in technology education; and

(5) data collection.

Part B—Other State-Administered Programs.

SUBPART 1—PROGRAMS TO PROVIDE SINGLE PARENTS, DISPLACED HOMEMAKERS, AND SINGLE PREGNANT WOMEN WITH MARKETABLE SKILLS AND TO PROMOTE THE ELIMINATION OF SEX BIAS.

SEC. 221. PROGRAMS FOR SINGLE PARENTS, DISPLACED HOMEMAKERS, AND SINGLE PREGNANT WOMEN.

(a) **GENERAL AUTHORITY.**—Each State shall use the amount reserved under section 102(a)(2)(A) only to—

(1) provide, subsidize, reimburse, or pay for preparatory services, including instruction in basic academic and occupational skills, necessary educational materials, and career guidance and counseling services, in preparation for vocational education and training that will furnish single parents, displaced homemakers, and single pregnant women with marketable skills;

(2) make grants to eligible recipients for expanding preparatory services and vocational education services when the expansion directly increases the eligible recipients' capacity for providing single parents, displaced homemakers, and single pregnant women with marketable skills;

(3) make grants to community-based organizations for the provision of preparatory and vocational education services to single parents, displaced homemakers, and single pregnant women if the State determines that the community-based organization has demonstrated effectiveness in providing comparable or related services to single parents, displaced homemakers, and single pregnant women, taking into account the demonstrated performance of such an organization in terms of cost, the quality of training, and the characteristics of the participants;

(4) make preparatory services and vocational education and training more accessible to single parents, displaced homemakers, and single pregnant women by assisting such individuals with dependent care, transportation services, or special services and supplies, books, and materials, or by organizing and scheduling the programs so that such programs are more accessible; or

(5) provide information to single parents, displaced homemakers, and single pregnant women to inform such individuals of vocational education programs, related support services, and career counseling.

(b) **SETTINGS.**—The programs and services described in subsection (a) may be provided in postsecondary or secondary school settings, including area vocational education schools, that serve single parents, displaced homemakers, and single pregnant women.

SEC. 222. SEX EQUITY PROGRAMS.

(a) **GENERAL AUTHORITY.**—Except as provided in subsection (b), each State shall use the amount reserved under section 102(a)(2)(B) only for—

(1) programs, services, comprehensive career guidance and counseling, and activities to eliminate sex bias and stereotyping in secondary and postsecondary vocational education;

(2) preparatory services and vocational education programs, services, and activities for girls and women, aged 14 through 25, designed to enable the participants to support themselves and their families; and

(3) support services for individuals participating in vocational education programs, services, and activities described in paragraphs (1) and (2), including dependent-care services and transportation.

(b) **WAIVER OF AGE LIMIT.**—The administrator appointed under section 111(b)(1) may waive the requirement with respect to age limitations contained in subsection (a)(2) whenever the administrator determines that the waiver is essential to meet the objectives of this section.

SEC. 223. COMPETITIVE AWARD OF AMOUNTS; EVALUATION OF PROGRAMS.

The administrator appointed under section 111(b)(1)—

(1) shall, on a competitive basis, allocate and distribute to eligible recipients or community-based organizations the amounts reserved under section 102(a)(2) for carrying out this subpart, ensuring that each grant made under this subpart is for a program that is of sufficient size, scope, and quality to be effective; and

(2) shall develop procedures for the collection from eligible recipients, including community-based organizations, that receive funds under this subpart of data appropriate to the individuals served in order to permit evaluation of the effectiveness of such programs as required by section 111(b)(1)(L).

SUBPART 2—CORRECTIONS EDUCATION.

SEC. 225. PROGRAMS FOR CRIMINAL OFFENDERS.

(a) **DESIGNATION OF STATE CORRECTIONS EDUCATIONAL AGENCY.**—

(1) Each State board shall designate 1 or more State corrections agencies as State corrections educational agencies to administer vocational education programs assisted under this Act for juvenile and adult criminal offenders in correctional institutions in the State, including correctional institutions operated by local authorities.

(2) Any corrections agency that desires to be designated under paragraph (1) shall submit to the

State board a plan for the use of funds provided to such corrections agency from the amounts reserved by the State under section 102(a)(5).

(b) **DUTIES OF STATE CORRECTIONS EDUCATIONAL AGENCY.**—In administering programs receiving funds under this section, each State corrections educational agency designated under subsection (a) shall, in carrying out a vocational education program for criminal offenders—

(1) give special consideration to—

(A) providing services to offenders who are completing their sentences and preparing for release; and

(B) providing grants for the establishment of vocational education programs in correctional institutions that do not have such programs;

(2) provide vocational education programs for women who are incarcerated;

(3) improve equipment; and

(4) in cooperation with eligible recipients, administer and coordinate vocational education services to offenders before and after their release.

Part C—Secondary, Postsecondary, and Adult Vocational Education Programs.

SUBPART 1—WITHIN-STATE ALLOCATION.

Sec. 231. DISTRIBUTION OF FUNDS TO SECONDARY SCHOOL PROGRAMS.

(a) **GENERAL RULE.**—Except as otherwise provided in this section and section 233, each State shall distribute funds available in any fiscal year for secondary school vocational education programs to local educational agencies within the State as follows:

(1) From 70 percent of such funds, each local educational agency shall be allocated an amount that bears the same relationship to such 70 percent as the amount such local educational agency was allocated under section 1005 of the Elementary and Secondary Education Act of 1965 in the preceding fiscal year bears to the total amount received under such section by local educational agencies in the State in such year.

(2) From 20 percent of such funds, each local educational agency shall be allocated an amount that bears the same relationship to such 20 percent as the number of students with handicaps who have individualized education programs under section 614(a)(5) of the Education of the Handicapped Act served by such local educational agency in the preceding fiscal year bears to

the total number of such students served by local educational agencies in the State in such year.

(3) From 10 percent of such funds, each local educational agency shall be allocated an amount that bears the same relationship to such 10 percent as the number of students enrolled in schools and adults enrolled in training programs under the jurisdiction of such local educational agency in the preceding fiscal year bears to the number of students enrolled in schools and adults enrolled in training programs under the jurisdiction of all local educational agencies in the State in such year.

(b) **MINIMUM GRANT AMOUNT.**—

(1) Except as provided in paragraph (2), no local educational agency shall be eligible for a grant under this part unless the amount allocated to such agency under subsection (a) is not less than $15,000. A local educational agency may enter into a consortium with other local educational agencies for purposes of meeting the minimum grant requirement of this paragraph.

(2) The State may waive the application of paragraph (1) in any case in which the local educational agency—

(A) is located in a rural, sparsely-populated area; and

(B) demonstrates that the agency is unable to enter into a consortium for purposes of providing services under this part.

(3) Any amounts which are not allocated by reason of paragraph (1) or paragraph (2) shall be redistributed to local educational agencies that meet the requirements of paragraph (1) or paragraph (2) in accordance with the provisions of this section.

(c) **LIMITED JURISDICTION AGENCIES.**—

(1) In applying the provisions of subsection (a), no State board receiving assistance under this Act shall allocate funds to a local educational agency that serves only elementary schools, but shall distribute such funds to the local or regional educational agency which provides secondary school services to secondary school students in the same attendance area.

(2) The amount to be allocated under paragraph (1) to a local educational agency that has jurisdiction only over secondary schools shall be determined based on the number of students that entered such secondary schools in the previous year from the elementary schools involved.

(d) **ALLOCATIONS TO AREA VOCATIONAL EDUCATION SCHOOLS AND INTERMEDIATE EDUCATIONAL AGENCIES.**—

(1) The State shall distribute funds available for secondary school vocational education programs to the appropriate area vocational education school or intermediate educational agency in any case in which—

(A) the area vocational education school or intermediate educational agency and the local educational agency concerned—

(i) have formed or will form a consortium for the purpose of receiving funds under this section; or

(ii) have entered into or will enter into a cooperative arrangement for such purpose; and

(B) (i) the area vocational education school or intermediate educational agency serves an approximately equal or greater proportion of students with handicaps and students who are economically disadvantaged than the proportion of such students attending the secondary schools under the jurisdiction of all of the local educational agencies sending students to the area vocational education school or the intermediate educational agency; or

(ii) the area vocational education school, intermediate educational agency, or local educational agency demonstrates that it is unable to meet the criterion described in clause (i) due to the lack of interest by students described in clause (i) in attending vocational education programs in that area school or intermediate educational agency.

(2) If an area vocational education school or intermediate educational agency meets the requirements of paragraph (1), then—

(A) the amount that would otherwise be distributed to the local educational agency shall be allocated to the area vocational education school, the intermediate educational agency, and the local educational agency based on each school's or entity's relative share of students described in paragraph (1)(B)(i) who are attending vocational education programs that meet the requirements of section 235 (based, if practicable, on the average enrollment for the prior 3 years); or

(B) such amount may be allocated on the basis of an agreement between the local educational agency and the area vocational education school or intermediate educational agency.

(3)(A) For the purposes of this subsection, the State may determine the number of economically disadvantaged students attending vocational education programs on the basis of eligibility for any of the following:

(i) Free or reduced-price meals under the National School Lunch Act.

(ii) The program for aid to dependent children under part A of title IV of the Social Security Act.

(iii) Benefits under the Food Stamp Act of 1977.

(iv) Services under chapter 1 of title I of the Elementary and Secondary Education Act of 1965.

(v) Other indices of economic status including estimates of such indices, if the State demonstrates to the satisfaction of the Secretary that such indices are more representative of such number.

(B) If a State elects to use more than 1 factor described in subparagraph (A) for purposes of making the determination described in such subparagraph, the State shall ensure that the data used is not duplicative.

(4) The State board shall establish an appeals procedure for resolution of any dispute arising between a local educational agency and an area vocational education school or an intermediate educational agency with respect to the allocation procedures described in this section, including the decision of a local educational agency to leave a consortium.

(5) Notwithstanding the provisions of paragraphs (1), (2), (3), and (4) any local educational agency receiving an allocation which is not sufficient to conduct a program which meets the requirements of section 235(c) is encouraged to—

(A) form a consortium or enter into a cooperative agreement with an area vocational education school or intermediate educational agency offering programs that meet the requirements of section 235(c) and that are accessible to economically disadvantaged students and students with handicaps served by such local educational agency; and

(B) transfer such allocation to the area vocational education school or intermediate educational agency.

SEC. 232. DISTRIBUTION OF FUNDS TO POSTSECONDARY AND ADULT PROGRAMS.

(a) **GENERAL RULE.**—Except as provided in subsection (b) and section 233, each State shall distribute funds available in any fiscal year for postsecondary and adult vocational education programs to eligible institutions within the State. Each such eligible institution shall receive an amount that bears the same relationship to the amount of funds available under such section as the number of Pell Grant recipients and recipients of assistance from the Bureau of Indian Affairs enrolled in programs meeting the requirements of section 235 offered by such institution in the preceding fiscal year bears to the number of such recipients enrolled in such programs within the State in such year.

(b) **WAIVER FOR MORE EQUITABLE DISTRIBUTION.**—The Secretary may waive the application of subsection (a) in the case of any State that submits to the Secretary an application for such a waiver that—

(1) demonstrates that the formula described in subsection (a) does not result in a distribution of funds to the institutions within the State that have the highest numbers of economically disadvantaged individuals and that an alternative formula would result in such a distribution; and

(2) includes a proposal for an alternative formula that may include criteria relating to the number of individuals attending institutions within the State who—

(A) receive need-based postsecondary financial aid provided from public funds;

(B) are members of families participating in the program for aid to families with dependent children under part A of title IV of the Social Security Act;

(C) are enrolled in postsecondary educational institutions that—

(i) are funded by the State;

(ii) do not charge tuition; and

(iii) serve only economically disadvantaged students;

(D) are enrolled in programs serving economically disadvantaged adults;

(E) are participants in programs assisted under the Job Training Partnership Act; or

(F) are recipients of Pell Grants.

(c) **MINIMUM GRANT AMOUNT.**—

(1) No grant provided to any institution under this section shall be for an amount that is less than $50,000.

(2) Any amounts which are not allocated by reason of paragraph (1) shall be redistributed to eligible institutions in accordance with the provisions of this section.

(d) **DEFINITION.**—For the purposes of this section—

(1) the term 'eligible institution' means an institution of higher education, a local educational agency serving adults, or an area vocational education school serving adults that offers or will offer a program that meets the requirements of section 235 and seeks to receive assistance under this part;

(2) the term 'institution of higher education' has the meaning given that term in section 435(b) of the Higher Education Act of 1965; and

(3) the term 'Pell Grant recipient' means a recipient of financial aid under subpart 1 of part A of title IV of the Higher Education Act of 1965.

SEC. 233. SPECIAL RULE FOR MINIMAL ALLOCATION.

(a) **GENERAL AUTHORITY.**—In any fiscal year in which a minimal amount is made available by a State for distribution under section 231 or section 232 such State may, notwithstanding the provisions of section 231 or section 232, as appropriate, in order to result in a more equitable distribution of funds for programs serving the highest numbers of economically disadvantaged individuals, distribute such minimal amount—

(1) on a competitive basis; or

(2) through any alternative method determined by the State.

(b) **MINIMAL AMOUNT.**—For purposes of this section, the term 'minimal amount' means not more than 15 percent of the total amount made available for distribution under this part.

SEC. 234. REALLOCATION.

(a) **IN GENERAL.**—In any academic year that a local educational agency or eligible institution does not expend all of the amounts it is allocated for such year under section 231 or section 232, such local educational agency or eligible institution shall return any unexpended amounts to the State to be reallocated under section 231 or section 232, as appropriate.

(b) **REALLOCATION OF AMOUNTS RETURNED LATE IN AN ACADEMIC YEAR.**—In any academic year in which amounts are returned to the State under sections 231 or 232 and the State is unable to reallocate such amounts according to such sections in time for such amounts to be expended in such academic year, the State shall retain such amounts to be distributed in combination with amounts provided under this title for the following academic year.

SUBPART 2—USES OF FUNDS.

SEC. 235. USES OF FUNDS.

(a) **GENERAL AUTHORITY.**—Each eligible recipient that receives a grant under this part shall use funds provided under such grant to improve vocational education programs, with the full participation of individuals who are members of special populations, at a limited number of sites or with respect to a limited number of program areas.

(b) **PRIORITY.**—Each eligible recipient that receives a grant under this part shall give priority for assistance under this part to sites or programs that serve the highest concentrations of individuals who are members of special populations.

(c) **REQUIREMENTS FOR USES OF FUNDS.**—

(1) Funds made available under a grant under this part shall be used to provide vocational education in programs that—

(A) are of such size, scope, and quality as to be effective;

(B) integrate academic and vocational education in such programs through coherent sequences of courses so that students achieve both academic and occupational competencies; and

(C) provide equitable participation in such programs for the special populations consistent with the assurances and requirements in section 118.

(2) In carrying out the provisions of paragraph (1), grant funds may be used for activities such as—

(A) upgrading of curriculum;

(B) purchase of equipment, including instructional aids;

(C) inservice training of both vocational instructors and academic instructors working with vocational education students for integrating academic and vocational education;

(D) guidance and counseling;

(E) remedial courses;

(F) adaptation of equipment;

(G) tech-prep education programs;

(H) supplementary services designed to meet the needs of special populations;

(I) a special populations coordinator paid in whole or in part from such funds who shall be a qualified counselor or teacher to ensure that individuals who are members of special populations are receiving adequate services and job skill training;

(J) apprenticeship programs;

(K) programs that are strongly tied to economic development efforts in the State;

(L) programs which train adults and students for all aspects of the occupation, in which job openings are projected or available;

(M) comprehensive mentor programs in institutions of higher education offering comprehensive programs in teacher preparation, which seek to fully use the skills and work experience of individuals currently or formerly employed in business and industry who are interested in becoming classroom instructors and to meet the need of vocational educators who wish to upgrade their teaching competencies;

(N) provision of education and training through arrangements with private vocational training institutions, private postsecondary educational institutions, employers, labor organizations, and joint labor-management apprenticeship programs whenever such institutions, employers, labor organizations, or programs can make a significant contribution to obtaining the objectives of the State plan and can provide substantially equivalent training at a lesser cost, or can provide equipment or services not available in public institutions.

(3) Equipment purchases pursuant to sections 231 and 232, when not being used to carry out the provisions of this Act, may be used for other instruction purposes if—

(A) the acquisition of the equipment was reasonable and necessary for the purpose of conducting a properly designed project or activity under this title;

(B) is used after regular school hours or on weekends; and

(C) such other use is—

(i) incidental to the use of that equipment under this title;

(ii) does not interfere with the use of that equipment under this title; and

(iii) does not add to the cost of using that equipment under this title.

(4) Each eligible recipient receiving funds under this part shall use no more than 5 percent of such funds for administrative costs.

SUBPART 3—LOCAL APPLICATION.

SEC. 240. LOCAL APPLICATION.

Any eligible recipient desiring financial assistance under this part shall, according to requirements established by the State board, submit to the State board an application, covering the same period as the State plan, for the use of such assistance. The State board shall determine requirements for local applications, except that each such application shall—

(1) contain a description of the vocational education programs to be funded, including—

(A) the extent to which the program incorporates each of the elements described in section 235;

(B) how the eligible recipient will use the funds available under this part and from other resources to improve the program with regard to each use of funds described in section 235;

(2) contain a report on the number of individuals in each of the special populations;

(3) contain a description of how the needs of individuals who are members of special populations will be assessed and description of the planned use of funds to meet such needs;

(4) describe how access to programs of good quality will be provided to students who are economically disadvantaged (including foster children), students with handicaps, and students of limited English proficiency through affirmative outreach and recruitment efforts;

(5) provide assurances that the programs funded under this part shall be carried out according to the criteria for programs for each special population;

(6) describe the program evaluation standards the applicant will use to measure its progress;

(7) describe methods to be used to coordinate vocational education services with relevant programs conducted under the Job Training Partnership Act, including cooperative arrangements established with private industry councils established under section 102(a) of such Act, in order to avoid duplication and to expand the range of and accessibility to vocational education services;

(8) describe methods used to develop vocational educational programs in consultation with parents and students of special populations;

(9) provide a description of coordination with community-based organizations;

(10) consider the demonstrated occupational needs of the area in assisting programs funded by this Act;

(11) provide a description of how the eligible recipient will provide a vocational education program that—

(A) integrates academic and occupational disciplines so that students participating in the program are able to achieve both academic and occupational competence; and

(B) offers coherent sequences of courses leading to a job skill;

(12) provide assurances that the eligible recipient will provide a vocational education program that—

(A) encourages students through counseling to pursue such coherent sequences of courses;

(B) assists students who are economically disadvantaged, students of limited English proficiency, and students with handicaps to succeed through supportive services such as counseling, English-language instruction, child care, and special aids;

(C) is of such size, scope, and quality as to bring about improvement in the quality of education offered by the school; and

(D) seeks to cooperate with the sex equity program carried out under section 222;

(13) provide an assurance that the eligible recipient will provide sufficient information to the State to enable the State to comply with the provisions of section 231(d); and

(14) describe how the eligible recipient will monitor the provision of vocational education to individuals who are members of special populations.

TITLE III—SPECIAL PROGRAMS

Part A—State Assistance for Vocational Education Support Programs by Community-Based Organizations.

SEC. 301. APPLICATIONS.

(a) Each community-based organization which desires to receive assistance under this part shall prepare jointly with the appropriate eligible recipient and submit an application to the State board at such time, in such manner, and containing or accompanied by such information as the State board may require. Each such application shall—

(1) contain an agreement between the community-based organization and the eligible recipients in the area to be served, which includes the designation of fiscal agents established for the program;

(2) provide a description of the uses for which assistance is sought pursuant to section 302(b) together with evaluation criteria to be applied to the program;

(3) provide assurances that the community-based organization will give special consideration to the needs of severely economically and educationally disadvantaged youth ages sixteen through twenty-one, inclusive;

(4) provide assurances that business concerns will be involved, as appropriate, in services and activities for which assistance is sought;

(5) describe the collaborative efforts with the eligible recipients and the manner in which the services and activities for which assistance is sought will serve to enhance the enrollment of severely economically and educationally disadvantaged youth into the vocational education programs; and

(6) provide assurances that the programs conducted by the community-based organization will conform to the applicable standards of performance and measures of effectiveness required of vocational education programs in the State.

SEC. 302. USES OF FUNDS.

(a) From the portion of the allotment of each State under section 101 available for this part, each State shall provide financial assistance to joint programs of eligible recipients and community-based organizations within the State for the conduct of special vocational education services and activities described in subsection (b).

(b) Funds provided under this section may be used in accordance with State plans for—

(1) outreach programs to facilitate the entrance of youth into a program of transitional services and subsequent entrance into vocational education, employment or other education and training;

(2) transitional services such as attitudinal and motivational prevocational training programs;

(3) prevocational educational preparation and basic skills development conducted in cooperation with business concerns;

(4) special prevocational preparations programs targeted to inner-city youth, non-English speaking youth, Appalachian youth, and the youth of other urban and rural areas having a high density of poverty who need special prevocational education programs;

(5) career intern programs;

(6) model programs for school dropouts;

(7) assessment of students' needs in relation to vocational education and jobs; and

(8) guidance and counseling to assist students with occupational choices and with the selection of a vocational education program.

Part B—Consumer and Homemaking Education.

SEC. 311. CONSUMER AND HOMEMAKING EDUCATION GRANTS.

From the portion of the allotment of each State under section 101 available for this part, the Secretary is authorized to make grants to States to assist them in conducting consumer and homemaking education programs. Such programs may include (1) instructional programs, services, and activities that prepare youth and adults for the occupation of homemaking, and

(2) instruction in the areas of food and nutrition, individual and family health, consumer education, family living and parenthood education, child development and guidance, housing, home management (including resource management), and clothing and textiles.

SEC. 312. USE OF FUNDS FROM CONSUMER AND HOMEMAKING EDUCATION GRANTS.

(a) Grants to any State under this part shall be used, in accordance with State plans approved under section 114—

(1) to conduct programs for residents of economically depressed areas;

(2) to encourage participation of traditionally underserved populations;

(3) to encourage, in cooperation with the individual appointed under section 111(b)(1), the elimination of sex bias and sex stereotyping;

(4) to improve, expand, and update programs with an emphasis on those which specifically address needs described under clauses (1), (2), and (3); and

(5) to address priorities and emerging concerns at the local, State, and national levels.

(b) Grants for the purposes set forth in subsection (a) may be used for—

(1) program development and improvement of instruction and curricula relating to managing individual and family resources, making consumer choices, balancing work and family, improving responses to individual and family crises (including family violence and child abuse), strengthening parenting skills (especially among teenage parents), preventing teenage pregnancy, assisting aged and individuals with handicaps, and members of at-risk populations (including the homeless), improving individual child and family nutrition and wellness, conserving limited resources, understanding the impact of new technology on life and work, applying consumer and homemaking education skills to jobs and careers, and other needs as determined by the State; and

(2) support services and activities designed to ensure the quality and effectiveness of programs, including demonstration of innovative and exemplary projects, community outreach to underserved populations, application of academic skills (such as reading, writing, mathematics, and science) through consumer and homemaking education programs, curriculum development, research, program evaluation, development of instructional materials, teacher education, upgrading of equipment, teacher supervision, and State administration and leadership, including activities of the student organization.

(c) Not less than one-third of the Federal funds made available to any State under this section shall be expended in economically depressed areas or areas with high rates of unemployment for programs designed to assist consumers and to help improve home environments and the quality of family life.

SEC. 313. INFORMATION DISSEMINATION AND LEADERSHIP.

(a) The State board shall ensure that the experience and information gained through carrying out programs assisted under this part is shared with administrators for the purpose of program planning. Funds available under this part shall be used to assist in providing State leadership and full time State administrators qualified by experience and educational preparation in home economics education.

(b) Not more than 6 percent of the funds available under this part may be used for State administration of projects, services, and activities under this part.

Part C—Comprehensive Career Guidance and Counseling Programs.

SEC. 321. GRANTS FOR CAREER GUIDANCE AND COUNSELING.

From the portion of the allotment of each State under section 101 available for this part, the Secretary is authorized to make grants to States to assist them in conducting career guidance and counseling programs authorized by this part.

SEC. 322. USE OF FUNDS FROM CAREER GUIDANCE AND COUNSELING GRANTS.

(a) Grants to any State under this part shall be used, in accordance with State plans (and amendments thereto), for programs (organized and administered by certified counselors) designed to improve, expand, and extend career guidance and counseling programs to meet the career development, vocational education, and employment needs of vocational education students and potential students. Such programs shall be designed to assist individuals—

(1) to acquire self-assessment, career planning, career decision-making, and employability skills;

(2) to make the transition from education and training to work;

(3) to maintain marketability of current job skills in established occupations;

(4) to develop new skills to move away from declining occupational fields and enter new and emerging fields in high-technology areas and fields experiencing skill shortages;

(5) to develop mid-career job search skills and to clarify career goals; and

(6) to obtain and use information on financial assistance for postsecondary and vocational education, and job training.

(b) Programs of career guidance and counseling under this part shall encourage the elimination of sex, age, handicapping condition, and race bias and stereotyping, provide for community outreach, enlist the collaboration of the family, the community, business, industry, and labor and be accessible to all segments of the population, including women, minorities, the handicapped, and the economically disadvantaged. The programs authorized by this part shall consist of—

(1) instructional activities and other services at all educational levels to help students with the skills described in clauses (1) through (6) of subsection (a); and

(2) services and activities designed to ensure the quality and effectiveness of career guidance and counseling programs and projects assisted under this part, such as counselor education (including education of counselors working with individuals with limited English proficiency), training of support personnel, curriculum development, research and demonstration projects,

experimental programs, instructional materials development, equipment acquisition, development of career information delivery systems, and State and local leadership and supervision; and

(3) projects which provide opportunities for counselors to obtain firsthand experience in business and industry, and projects which provide opportunities to acquaint students with business, industry, the labor market, and training opportunities (including secondary educational programs that have at least one characteristic of an apprenticeable occupation as recognized by the Department of Labor or the State Apprenticeship Agency in accordance with the Act of August 16, 1937, known as the National Apprenticeship Act, in concert with local business, industry, labor, and other appropriate apprenticeship training entities, designed to prepare participants for an apprenticeable occupation or provide information concerning apprenticeable occupations and their prerequisites).

(c) Not less than 20 percent of the sums made available to a State under this part shall be used for programs designed to eliminate sex, age, and race bias and stereotyping under subsection (b) and for activities to ensure that programs under this part are accessible to all segments of the population, including women, the disadvantaged, the handicapped, individuals with limited English proficiency, and minorities.

SEC. 323. INFORMATION DISSEMINATION AND LEADERSHIP.

(a) The State board shall ensure that the experience and information gained through programs assisted under this part is shared with administrators for the purpose of program planning. Funds available under this part shall be used to assist in providing State leadership qualified by experience and knowledge in guidance and counseling.

(b) Not more than 6 percent of the funds available under this part may be used for State administration of projects, services, and activities under this part.

Part D—Business-Labor-Education Partnership for Training.

SEC. 331. FINDINGS AND PURPOSE.

The Congress finds that—

(1) there is a need to infuse resources into the schools for the purpose of improving the quality of vocational education; and

(2) there is a need to fulfill the needs of business for skilled employees who meet certain minimal

standards in key occupational areas.

Authorization of Grants.

Sec. 332.

(a)(1) From amounts authorized under section 3(d)(1)(D) that are made available for this part, the Secretary shall make grants to States to enable States to award grants to partnerships among—

(A) an area vocational education school, a State agency, a local educational agency, a secondary school funded by the Bureau of Indian Affairs, an institution of higher education, a State corrections educational agency or an adult learning center; and

(B) business, industry, labor organizations, or apprenticeship programs to carry out business-labor-education partnership training programs in accordance with this part.

(2) The Secretary shall ensure an equitable geographic distribution of grants under this part.

(b) Grants to any State under this part shall be used in accordance with State plans and shall provide incentives for the coordination of programs assisted with funds under this part with related efforts under part E and under the Job Training Partnership Act. Each such State plan shall contain assurances to the Secretary that—

(1) funds received under this part will be awarded on a competitive basis solely for vocational education programs, including programs—

(A) to provide apprenticeships and internships in industry;

(B) to provide new equipment;

(C) to provide teacher internships or teacher training;

(D) that bring representatives of business and organized labor into the classroom;

(E) to increase the access to, and quality of, programs for individuals who are members of special populations;

(F) to strengthen coordination between vocational education programs, and the labor and skill needs of business and industry;

(G) to address the economic development needs of the area served by the partnership;

(H) to provide training and career counseling that will enable workers to retain their jobs;

(I) to provide training and career counseling that will enable workers to upgrade their jobs; and

(J) that address the needs of new and emerging industries, particularly industries in high-technology fields.

(2) the State will give preference to partnerships that coordinate with local chambers of commerce (or the equivalent), local labor organizations, or local economic development plans;

(3) the State will give priority to programs offered by partnerships that provide job training in areas or skills where there are significant labor shortages;

(4) the State shall ensure an equitable distribution of assistance under this part between urban and rural areas;

(5) except as provided in paragraph (6), not less than 50 percent of the aggregate cost of programs and projects assisted under this part will be provided from non-Federal sources, and not less than 50 percent of such non-Federal share will be provided by businesses or labor organizations participating in the partnerships; and

(6) in the event that the partnership includes a small business or labor organization, 40 percent of the aggregate cost of the programs and projects assisted under this part will be provided from non-Federal sources and not less than 50 percent of such non-Federal share will be provided by participating businesses or labor organizations.

(c)(1) The business and industrial share of the costs required by subsection (b)(5) may be in the form of cash or of in-kind contributions (such as facilities, overhead, personnel, and equipment) fairly valued.

(2) The Federal share of such costs shall be available equally from funds available to the States under this part and from funds allotted to the States under title II.

(3) If an eligible recipient demonstrates to the satisfaction of the State that it is incapable of providing all or part of the non-Federal portion of such costs as required by subsection (b)(5), the State may designate funds available under parts A and C of title II or funds available from State sources in lieu of such non-Federal portion.

(d) The Secretary shall prescribe policies for vocational education programs carried out with assistance under this part. Such policies shall include examples of allowable expenses for business-labor-education partnerships.

SEC. 333. USE OF FUNDS.

(a) Funds made available to the States by grants under this part may be used solely for the establishment and operation of programs and projects described by section 332(b) and for—

(1) necessary administrative costs of the State board and of eligible recipients associated with the establishment and operation of programs authorized by this part;

(2) training and retraining of instructional and guidance personnel;

(3) curriculum development and the development or acquisition of instructional and guidance equipment and materials;

(4) acquisition and operation of communications and telecommunications equipment and other high-technology equipment for programs authorized by this part; and

(5) such other activities authorized by this title as may be essential to the successful establishment and operation of programs and projects authorized by this part, including activities and related services to ensure access of women, minorities, the handicapped, and the economically disadvantaged.

(b) In approving programs and projects assisted under this part, the State board shall give special consideration to—

(1) the level and degree of business and industry participation in the development and operation of the program;

(2) the current and projected demand within the State or relevant labor market area for workers with the level and type of skills the program is designed to produce;

(3) the overall quality of the proposal, with particular emphasis on the probability of successful completion of the program by prospective trainees and the capability of the eligible recipient (with assistance from participating business or industry) to provide high quality training for skilled workers and technicians in high technology; and

(4) the commitment to serve all segments of the population, including women, minorities, the handicapped, and the economically disadvantaged (as demonstrated by special efforts to provide outreach, information, and counseling, and by the provision of remedial instruction and other assistance).

(c) Expenditures for administrative costs pursuant to subsection (a)(1) may not exceed 10 per centum of the State's allotment for this part in the first year and 5 per centum of such allotment in each subsequent year.

(d)(1) Funds made available pursuant to section 3(d)(1)(D) of this Act may be used, in accordance with this part, to provide vocational education to individuals in order to assist their entry into, or advancement in, high technology occupations or to meet the technological needs of other industries or businesses.

(2) Special consideration shall be given to individuals described in paragraph (1) who have attained 55 years of age.

Part E—Tech-Prep Education.

SEC. 341. SHORT TITLE.

This part may be cited as the 'Tech-Prep Education Act.'

SEC. 342. FINDINGS AND PURPOSE.

(a) **FINDINGS.**—The Congress finds that—

(1) rapid technological advances and global economic competition demand increased levels of skilled technical education preparation and readiness on the part of youths entering the workforce;

(2) effective strategies reaching beyond the boundaries of traditional schooling are necessary to provide early and sustained intervention by parents, teachers, and educational institutions in the lives of students;

(3) a combination of nontraditional school-to-work technical education programs, using state-of-the-art equipment and appropriate technologies, will reduce the dropout rate for high school students in the United States and will produce youths who are mature, responsible, and motivated to build good lives for themselves;

(4) the establishment of systematic technical education articulation agreements between secondary schools and postsecondary educational institutions is necessary for providing youths with skills in the liberal and practical arts and in basic academics, including literacy instruction in the English language, and with the intense technical preparation necessary for finding a position in a changing workplace;

(5) by the year 2000 an estimated 15,000,000 manufacturing jobs will require more advanced technical skills, and an equal number of service jobs will become obsolete;

(6) more than 50 percent of jobs that are developing will require skills greater than those provided by existing educational programs;

(7) dropout rates in urban schools are 50 percent or higher, and more than 50 percent of all Hispanic youth drop out of high school; and

(8) employers in the United States pay an estimated $210,000,000,000 annually for formal and informal training, remediation, and lost productivity as a result of untrained and unprepared youth joining, or attempting to join, the workforce of the United States.

(b) **PURPOSE.**—It is the purpose of this part—

(1) to provide planning and demonstration grants to consortia of local educational agencies and postsecondary educational institutions, for the development and operation of 4-year programs

designed to provide a tech-prep education program leading to a 2-year associate degree or a 2-year certificate; and

(2) to provide, in a systematic manner, strong, comprehensive links between secondary schools and postsecondary educational institutions.

SEC. 343. PROGRAM AUTHORIZED.

(a) **DISCRETIONARY AMOUNTS.**—In any fiscal year in which the amount made available under section 3(d)(1)(E) to carry out the provisions of this part is equal to or less than $50,000,000, the Secretary, in accordance with the provisions of this part which are not inconsistent with this paragraph, shall award grants for tech-prep education programs to consortia of—

(1) local educational agencies, intermediate educational agencies or area vocational education schools serving secondary school students, or secondary schools funded by the Bureau of Indian Affairs; and

(2)(A) nonprofit institutions of higher education which offer a 2-year associate degree program, a 2-year certificate program, and which are qualified as institutions of higher education pursuant to section 481(a) of the Higher Education Act of 1965, including institutions receiving assistance under the Tribally Controlled Community College Assistance Act of 1978, or a 2-year apprenticeship program that follows secondary instruction, if such nonprofit institutions of higher education are not subject to a default management plan required by the Secretary; or

(B) proprietary institutions of higher education which offer a 2-year associate degree program and which are qualified as institutions of higher education pursuant to section 481(a) of the Higher Education Act of 1965 if such proprietary institutions of higher education are not subject to a default management plan required by the Secretary.

(b) **STATE GRANTS.**—

(1) In any fiscal year for which the amount made available under section 3(d)(1)(E) to carry out the provisions of this part exceeds $50,000,000, the Secretary shall allot such amount to the States in accordance with the provisions of section 101(a)(2).

(2) From amounts made available to each State under paragraph (1), the State board, in accordance with the provisions of this part which are not inconsistent with this paragraph, shall award grants on a competitive basis or on the basis of a formula determined by the State board, for tech-prep education programs to consortia described in subsection (a)(1).

SEC. 344. TECH-PREP EDUCATION PROGRAMS.

(a) **GENERAL AUTHORITY.**—Each grant recipient shall use amounts provided under the grant to develop and operate a 4-year tech-prep education program.

(b) **CONTENTS OF PROGRAM.**—Any such program shall—

(1) be carried out under an articulation agreement between the participants in the consortium;

(2) consist of the 2 years of secondary school preceding graduation and 2 years of higher education, or an apprenticeship program of at least 2 years following secondary instruction, with a common core of required proficiency in mathematics, science, communications, and technologies designed to lead to an associate degree or certificate in a specific career field;

(3) include the development of tech-prep education program curricula appropriate to the needs of the consortium participants;

(4) include in-service training for teachers that—

(A) is designed to train teachers to effectively implement tech-prep education curricula;

(B) provides for joint training for teachers from all participants in the consortium; and

(C) may provide such training in weekend, evening, and summer sessions, institutes or workshops;

(5) include training programs for counselors designed to enable counselors to more effectively—

(A) recruit students for tech-prep education programs;

(B) ensure that such students successfully complete such programs; and

(C) ensure that such students are placed in appropriate employment;

(6) provide equal access to the full range of technical preparation programs to individuals who are members of special populations, including the development of tech-prep education program services appropriate to the needs of such individuals; and

(7) provide for preparatory services which assist all participants in such programs.

(c) **ADDITIONAL AUTHORIZED ACTIVITIES.**—Each such program may—

(1) provide for the acquisition of tech-prep education program equipment; and

(2) as part of the program's planning activities, acquire technical assistance from State or local entities that have successfully designed, established and operated tech-prep programs.

SEC. 345. APPLICATIONS.

(a) **IN GENERAL.**—Each consortium that desires to receive a grant under this part shall submit an application to the Secretary or the State board, as appropriate, at such time and in such manner as the Secretary or the State board, as appropriate, shall prescribe.

(b) **THREE-YEAR PLAN.**—Each application submitted under this section shall contain a 3-year plan for the development and implementation of activities under this part.

(c) **APPROVAL.**—The Secretary or the State board, as appropriate, shall approve applications based on their potential to create an effective tech-prep education program as provided for in section 344.

(d) **SPECIAL CONSIDERATION.**—The Secretary or the State board, as appropriate, shall give special consideration to applications which—

(1) provide for effective employment placement activities or transfer of students to 4-year baccalaureate degree programs;

(2) are developed in consultation with business, industry, and labor unions; and

(3) address effectively the issues of dropout prevention and re-entry and the needs of minority youths, youths of limited English proficiency, youths with handicaps, and disadvantaged youths.

(e) **EQUITABLE DISTRIBUTION OF ASSISTANCE.**—In making grants under this part, the Secretary shall ensure an equitable distribution of assistance among States and the Secretary or the State board, as appropriate, shall ensure an equitable distribution of assistance between urban and rural consortium participants.

(f) **NOTICE.**—

(1) In the case of grants to be made by the Secretary, each consortium that submits an application under this section shall provide notice of such submission and a copy of such application to the State educational agency and the State agency for higher education of the State in which the consortium is located.

(2) The Secretary shall notify the State educational agency, the State agency for higher education, and the State council on vocational education of any State each time a consortium located in such State is selected to receive a grant under this part.

SEC. 346. REPORTS.

(a) **REPORT TO THE SECRETARY.**—In the case of grants made by the Secretary, each grant recipient shall, with respect to assistance received under this part, submit to the Secretary such reports as may be required by the Secretary to ensure that such grant recipient is complying with the requirements of this part.

(b) **REPORT TO THE CONGRESS.**—After grant recipients who receive grants in the first year in which grants are made under this part complete their eligibility under the program, the Secretary shall submit to the Congress a report evaluating the effectiveness of the program under this part.

SEC. 347. DEFINITIONS. For purposes of this part:

(1) The term 'articulation agreement' means a commitment to a program designed to provide students with a nonduplicative sequence of progressive achievement leading to competencies in a

tech-prep education program.

(2) The term 'community college'—

(A) has the meaning provided in section 1201(a) of the Higher Education Act of 1965 for an institution which provides not less than a 2-year program which is acceptable for full credit toward a bachelor's degree; and

(B) includes tribally controlled community colleges.

(3) The term 'tech-prep education program' means a combined secondary and postsecondary program which—

(A) leads to an associate degree or 2-year certificate;

(B) provides technical preparation in at least 1 field of engineering technology, applied science, mechanical, industrial, or practical art or trade, or agriculture, health, or business;

(C) builds student competence in mathematics, science, and communications (including through applied academics) through a sequential course of study; and

(D) leads to placement in employment.

(4) The terms 'institution of higher education' and 'higher education' include institutions offering apprenticeship programs of at least 2 years beyond the completion of secondary school.

Part F—Supplementary State Grants for Facilities and Equipment and Other Program Improvement Activities.

SEC. 351. STATEMENT OF PURPOSE.

It is the purpose of this part to provide funding to local educational agencies in economically depressed areas for program improvement activities, especially the improvement of facilities and acquisition or leasing of equipment to be used to carry out vocational education programs that receive assistance under this Act.

SEC. 352. ALLOTMENT TO STATES.

In each fiscal year, from any amounts appropriated for purposes of carrying out this part, the Secretary shall allot to each State an amount which bears the same ratio to such appropriated amounts as the aggregate amount allocated to counties in such State for such fiscal year under section 1006 of the Elementary and Secondary Education Act of 1965 bears to the total amount appropriated for carrying out such section for such fiscal year.

SEC. 353. ALLOCATION TO LOCAL EDUCATIONAL AGENCIES.

(a) **DISTRIBUTION OF ALL GRANT AMOUNTS.**—In each fiscal year for which a State receives a grant under this part, the State shall distribute not less than 100 percent of the amounts made available under the grant to eligible local educational agencies as provided in subsection (b).

(b) **GRANT AMOUNTS.**—In each fiscal year for which a State receives a grant under this part, each eligible local educational agency or consortium of such agencies in the State shall receive an amount under this part that bears the same relationship to the amount received by such local educational agency or agencies under section 1006 of the Elementary and Secondary Education Act of 1965 bears to the aggregate amount received by local educational agencies in such State under such section in such fiscal year.

SEC. 354. USES OF FUNDS.

Each local educational agency or consortium of such agencies that receives a grant under this part shall—

(1) give first priority to using funds provided under the grant for improving facilities and acquiring or leasing equipment for carrying out vocational education programs that receive assistance under this Act; and

(2) then may use any funds not required to carry out the provisions of paragraph (1) for other program improvement activities, such as curriculum development or teacher training.

SEC. 355. STATE APPLICATIONS.

(a) **IN GENERAL.**—Each State that desires to receive a grant under this part shall submit to the Secretary an application at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require. Each such application shall—

(1) designate the sole State agency described in section 111(a)(1) as the State agency responsible for the administration and supervision of activities carried out with assistance under this part;

(2) provide for a process of consultation with the State council established under section 112;

(3) describes how funds will be allocated in a manner consistent with section 353;

(4) provide for an annual submission of data concerning the use of funds and students served with assistance under this part;

(5) provide that the State educational agency will keep such records and provide such information to the Secretary as may be required for purposes of financial audits and program evaluations; and

(6) contain assurances that the State will comply with the requirements of this part.

(b) PERIOD OF APPLICATION.—An application submitted by the State under subsection (a) shall be for a period of not more than 3 years and shall be amended annually.

SEC. 356. LOCAL APPLICATIONS.

Each local educational agency or consortium of such agencies that desires to receive a grant under this part shall submit to the State an application at such time, in such manner, and containing or accompanied by such information as the State may reasonably require.

Part G—Community Education Employment Centers and Vocational Education Lighthouse Schools.

SUBPART 1—COMMUNITY EDUCATION EMPLOYMENT CENTERS.

SEC. 361. SHORT TITLE.

This part may be cited as the 'Community Education Employment Center Act of 1990'.

SEC. 362. PURPOSE.

It is the purpose of this part to establish and evaluate model high school community education employment centers to meet the education needs of low-income urban and rural youth by awarding grants to eligible recipients to enable such eligible recipients to establish community education employment centers to provide students with the education, skills, support services, and enrichment necessary to ensure—

(1) graduation from secondary school;

(2) successful transition from secondary schools to a broad range of postsecondary institutions; and

(3) employment, including military service.

SEC. 363. PROGRAM AUTHORIZED.

(a) **IN GENERAL.**—The Secretary is authorized to make grants to eligible recipients having applications approved pursuant to section 369 to establish and operate not more than 10 community education employment centers nationwide.

(b) **GRANT PERIOD.**—Grants awarded under this section may be for a period of 5 years.

SEC. 364. PROGRAM REQUIREMENTS.

Each eligible recipient receiving a grant under this part shall—

(1) operate a community education employment center on an extended year and extended day basis;

(2) establish a collegial working environment, with substantial opportunities for staff training and development and shared decisionmaking;

(3) maintain small class sizes, and to the extent possible, maintain an average class size of 15

students or less;

(4) have the option to organize community education and employment centers into 1 or more programs, specializing in different areas of study of particular interest and employment opportunities for the student population;

(5) offer a broad array of secondary school coursework, including, to the extent possible—

(A) English, mathematics, history, geography, biology, chemistry, physics, and computer science;

(B) opportunities for student participation in a wide range of extracurricular activities, including community service and exploration, sports, fine and performing arts and tutorial study sessions;

(C) a comprehensive vocational-technical education program developed through regular consultation with employer-labor panels with knowledge of relevant industries, and which offers skills in planning, management, finances, technical and production skills, underlying principles of technology, labor and community issues, economic development and health, safety, and environment issues;

(D) courses in health, nutrition, and parenting;

(6) offer students on-site opportunities for assistance with career planning and decisionmaking, employability, entrepreneurial abilities, interpersonal communication skills, and remedial studies;

(7) maintain an emphasis on the development of academic skills, regardless of student career objectives;

(8) provide technical assistance and training to staff from other schools and local education agencies within the State who wish to replicate community education employment center capabilities;

(9) seek to utilize community organizations to provide support for educational activities and services to parents and students; and

(10) offer school-to-work transition services.

SEC. 365. SUPPORT SERVICES REQUIREMENTS.

Each eligible recipient receiving a grant under this part shall establish in each community education employment center a support system to coordinate services for students, including—

(1) a comprehensive program of confidential guidance counseling, providing—

(A) guidance for career and personal decisionmaking and postsecondary institution placement;

(B) mentoring and referral to appropriate social services; and

(C) an accessible counseling service to help parents to focus on the enhancement of student education;

(2) an on-site job service office to offer students—

(A) career guidance, development, and employment counseling, which provides information about a broad range of occupations and alternative career paths;

(B) labor market information, job development, career testing, and occupational placement services for part-time and summer employment, internships, cooperative programs, and part-time and full-time employment opportunities upon graduation; and

(C) assistance in arranging part-time employment, so long as such employment does not adversely affect academic performance;

(3) assistance in arranging a summer program of work, education, or enrichment sessions;

(4) to the extent possible, providing transportation to and from the community education employment center and part-time job sites; and

(5) access to day care services for children of participating students.

SEC. 366. PARENTAL AND COMMUNITY PARTICIPATION.

(a) **IN GENERAL.**—Each eligible recipient receiving a grant under this part shall employ a parent/community coordinator to provide for the active and informed participation of parents and appropriate community representatives in each community education employment center by—

(1) encouraging parents and students to make informed decisions in reviewing and selecting the choice of community education employment center programs for their children;

(2) conducting regular parent seminars to—

(A) inform parents about community education employment center operations;

(B) obtain parent input; and

(C) disseminate information on how parents can encourage student performance;

(3) providing the parents of each student with a regular opportunity to meet with counselors, teachers, and the student to discuss student progress, plans, and needs;

(4) providing a range of roles in which parents may work with students at home or as class assistants or volunteer coordinators;

(5) establishing an advisory Council of Advisors (in this part referred to as the 'Council') consisting of 1 individual representing each of the following entities:

(A) the local educational agency;

(B) the State council on vocational education and the State agency responsible for secondary vocational education;

(C) the student body;

(D) the local teacher organization;

(E) guidance counselors;

(F) community-based organizations;

(G) parents; and

(H) the appropriate private industry council.

(b) **FUNCTIONS OF THE COUNCIL.**—The Council shall provide recommendations to, and work with, eligible recipients to—

(1) establish annual community education employment center priorities, programs, and procedures;

(2) establish student selection criteria to ensure that all students in the school district have an equal opportunity to attend the community education employment center and that participants will be representative of the secondary school population in the school district;

(3) promulgate a student code of conduct that shall be developed in consultation with the students and teachers;

(4) assist in the selection of the community education employment center principal, administrators, department chairpersons, and teachers;

(5) assist in the selection and application of assessment tools for continuous evaluation of student learning progress;

(6) make recommendations for the selection of curriculum textbooks, software, and other learning resources and equipment; and

(7) make recommendations regarding the coordination of activities assisted under this part with activities assisted under the Job Training Partnership Act and school to work transitions.

SEC. 367. PROFESSIONAL STAFF.

(a) **IN GENERAL.**—Each eligible recipient receiving a grant under this part shall only employ professional staff who demonstrate the highest of academic, teaching, guidance, or administrative standards.

(b) **TEACHERS.**—

(1) Each eligible recipient receiving a grant under this part shall ensure that community education employment center teachers receive inservice training at least annually in techniques, procedures and policies relevant to the community education employment center.

(2) Each eligible recipient receiving a grant under this part shall employ a sufficient number of full-time certified or licensed guidance and career counselors to assist, enhance and monitor student progress.

SEC. 368. ELIGIBILITY.

An eligible recipient shall be eligible to receive a grant under this part if—

(1) the eligible recipient is located in or serves 1 or more local educational agencies that are eligible for assistance under section 1006 of the Elementary and Secondary Education Act of 1965; and

(2) the eligible recipient demonstrates that it will serve a student population which is predominantly educationally and economically disadvantaged.

SEC. 369. APPLICATION.

(a) **APPLICATION REQUIRED.**—Each eligible recipient desiring to participate in the demonstration grant program authorized by this part shall prepare and submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may require.

(b) **CONTENTS OF APPLICATION.**—Each application submitted pursuant to subsection (a) shall—

(1) demonstrate that the area where the center is to be located has a high concentration of children from low-income families, relative to the county and State as a whole;

(2) describe the activities and services for which assistance is sought;

(3) provide assurances that the eligible recipient will comply with the provisions of sections 364, 365, 366, 367, and 368;

(4) contain assurances that the State and local educational agency will, in any fiscal year, at least supply the same fiscal effort per student with respect to the free provision of public education to community education employment center students as such local educational agency provides for students attending secondary schools in such local educational agency;

(5) utilize funding available from appropriate employment, training, and education programs in the State;

(6) contain assurances that the community education employment center will coordinate the operations of such center to help meet local economic needs; and

(7) provide such additional assurances as the Secretary may reasonably require.

SEC. 370. EVALUATION AND REPORT.

(a) **LOCAL EVALUATION.**—Each community education employment center shall submit annually to the Secretary a comprehensive and continuous evaluation of student learning progress, including—

(1) academic and vocational competencies;

(2) dropout rates;

(3) information concerning employment and earnings while the students are attending a community

education employment center and upon the graduation of such students from such center;

(4) information concerning student attendance at postsecondary institutions or student enlistment into military service upon the graduation of such students from the community employment education center; and

(5) parental, student and community participation in the activities of the community employment education center.

(b) **REPORT.**—The Secretary shall report to the Congress on the evaluations submitted pursuant to subsection (a) not later than October 1, 1995.

SEC. 371. DEFINITIONS.

As used in this part—

(1) the term 'eligible recipient' means a secondary school or an area vocational school; and

(2) the term 'parent' includes a legal guardian or other person standing in loco parentis.

SUBPART 2—VOCATIONAL EDUCATION LIGHTHOUSE SCHOOLS.

SEC. 375. VOCATIONAL EDUCATION LIGHTHOUSE SCHOOLS.

(a) **PROGRAM AUTHORIZED.**—The Secretary is authorized to make grants to secondary schools and area vocational education schools to enable such schools to establish and operate vocational education lighthouse schools.

(b) **USE OF FUNDS.**—Grants awarded under this section shall be used to establish vocational education lighthouse schools which—

(1) serve as a model vocational education program—

(A) to provide each student with knowledge of, and experience in, all aspects of the industry or enterprise the student is preparing to enter;

(B) to provide each student with basic and higher order skills and develop the student's problem-solving abilities in a vocational setting;

(C) to offer exceptionally high quality programs for disadvantaged and minority students;

(D) to provide the special services and modifications necessary to help individual students successfully complete the program;

(E) which is planned, developed and implemented with the participation of staff, local employers and local community; and

(F) which offers a full range of programs, including comprehensive career guidance and counseling, for students who plan to seek employment upon graduation or who will enroll in a 2- or 4-year college;

(2) provide information and assistance to other grant recipients, vocational programs, vocational education personnel, parents, students, other educators, community members and community organizations throughout the State regarding—

(A) curriculum materials;

(B) curriculum development, especially the integration of vocational and academic education;

(C) inservice and preservice staff development, training, and assistance, through off-site activities and through a range of short-term and long-term opportunities to participate in activities at the demonstration site;

(D) opportunities to systematically observe the model program; and

(E) technical assistance and staff development, as appropriate;

(3) use funds received under this section, together with funds from non-Federal sources, to develop and implement model programs containing the elements described in paragraph (1);

(4) develop comprehensive linkages with other local schools, community colleges, 4-year colleges, private vocational schools, community-based organizations, labor unions, employers, and other business groups, as appropriate; and

(5) develop and disseminate model approaches—

(A) for meeting the education training needs and career counseling needs of minority students, disadvantaged students, students with handicaps, and students of limited English proficiency; and

(B) to reduce and eliminate sex bias and stereotyping.

PART H—Tribally Controlled Postsecondary Vocational Institutions.

SEC. 381. SHORT TITLE.

This part may be cited as the 'Tribally Controlled Vocational Institutions Support Act of 1990.'

SEC. 382. PURPOSE.

It is the purpose of this part to provide grants for the operation and improvement of tribally controlled postsecondary vocational institutions to ensure continued and expanded educational opportunities for Indian students, and to allow for the improvement and expansion of the physical resources of such institutions.

SEC. 383. GRANTS AUTHORIZED.

(a) **GENERAL AUTHORITY.**—The Secretary shall, subject to the availability of appropriations, make grants pursuant to this section to tribally controlled postsecondary vocational institutions to provide basic support for the education and training of Indian students.

(b) **USE OF GRANTS.**—Amounts made available under grants made pursuant to this section may be used for—

(1) training costs;

(2) educational costs;

(3) equipment costs;

(4) administrative costs; and

(5) costs of operation and maintenance of the institution.

SEC. 384. ELIGIBLE GRANT RECIPIENTS.

To be eligible for assistance under this part a tribally controlled postsecondary vocational institution shall—

(1) be governed by a board of directors or trustees, a majority of whom are Indians;

(2) demonstrate adherence to stated goals, a philosophy or a plan of operation which fosters individual Indian economic and self-sufficiency opportunity, including programs which are appropriate to stated tribal goals of developing individual entrepreneurships and self-sustaining economic infrastructures on reservations;

(3) have been in operation for at least 3 years;

(4) hold accreditation with or be a candidate for accreditation by a nationally recognized accrediting authority for postsecondary vocational education; and

(5) enroll the full-time equivalency of not less than 100 students, of whom a majority are Indians.

SEC. 385. GRANTS TO TRIBALLY CONTROLLED POSTSECONDARY VOCATIONAL INSTITUTIONS.

(a) **APPLICATIONS.**—Any tribally controlled postsecondary vocational institution that desires to receive a grant under this part shall submit an application to the Secretary. Such application shall include a description of recordkeeping procedures for the expenditure of funds received under the part which will allow the Secretary to audit and monitor programs.

(b) **INITIAL GRANTS.**—In the first year for which amounts are appropriated to carry out this part, the number of grants issued shall be not less than 2.

(c) **CONSULTATION.**—In making grants pursuant to this part, the Secretary shall, to the extent practicable, consult with the boards of trustees and the tribal governments chartering the institutions being considered.

(d) **LIMITATION.**—Amounts made available under grants made pursuant to this part shall not be used in connection with religious worship or sectarian instruction.

SEC. 386. AMOUNT OF GRANTS.

(a) **ALLOWABLE EXPENSES.**—Except as provided in subsection (d), the Secretary shall, subject to the availability of appropriations, provide for each program year to each tribally controlled vocational institution having an application approved by the Secretary, an amount necessary to pay expenses associated with—

(1) the maintenance and operation of the program, including development costs, costs of basic and special instruction (including special programs for individuals with handicaps and academic instruction), materials, student costs, administrative expenses, boarding costs, transportation, student services, day care and family support programs for students and their families (including contributions to the costs of education for dependents);

(2) capital expenditures, including operations and maintenance and minor improvements and repair, physical plant maintenance costs; and

(3) costs associated with repair, upkeep, replacement, and upgrading of the instructional equipment.

(b) **PAYMENTS.**—

(1) For each fiscal year, the Secretary shall provide amounts to institutions that are approved for grants under section 385 in 2 payments.

(2)(A) The first payment shall be made before the end of the 30-day period beginning on the date of the enactment of an Act providing appropriations for such fiscal year for purposes of carrying out this part. Except as provided in subparagraph (B), such payment shall be in an amount that is equal to at least 50 percent of the amount determined to be required under subsection (a) for the preceding year.

(B) In the first year that an institution receives a grant under this part, the Secretary shall determine the amount of the first payment by estimating the costs described in subsection (a) based upon information submitted by the institution.

(3) Each institution that receives a grant under section 385 shall receive a final payment of amounts to which it is entitled based on its costs under subsection (a) not later than January 1 of the fiscal year in which the costs are incurred.

(c) **ACCOUNTING.**—Each institution receiving payments under this part shall annually provide to the Secretary an accurate and detailed accounting of its operating and maintenance expenses and such other information concerning costs as the Secretary may reasonably require.

(d) **ADDITIONAL GRANTS AUTHORIZED.**—

(1) After providing grants to all eligible institutions under subsection (a), the Secretary shall, from any amounts remaining—

(A) first allocate to institutions receiving their first grant under this part an amount equal to the training equipment costs necessary to implement training programs; and

(B) from any remaining funds, review training equipment needs at each institution receiving assistance under this part at the end of the 5-year period beginning on the first day of the first year for which the institution received a grant under this part, and provide allocations for other training equipment needs if it is demonstrated by the institution that its training equipment has become obsolete for its purposes, or that the development of other training programs is appropriate.

(2) For the purposes of carrying out this subsection, the Secretary may require from each institution the submission of such information relating to the feasibility of such training programs as is reasonable and practical.

SEC. 387. EFFECT ON OTHER PROGRAMS.

(a) **IN GENERAL.**—Except as specifically provided in this Act, eligibility for assistance under this part shall not preclude any tribally controlled postsecondary vocational institution from receiving Federal financial assistance under any program authorized under the Higher Education Act of 1965 or any other applicable program for the benefit of institutions of higher education or vocational education.

(b) **PROHIBITION ON ALTERATION OF GRANT AMOUNT.**—The amount of any grant for which tribally controlled postsecondary vocational institutions are eligible under this part shall not be altered because of funds allocated to any such institution from funds appropriated under the Act of November 2, 1921.

(c) **PROHIBITION ON CONTRACT DENIAL.**—No tribally controlled postsecondary vocational institution for which an Indian tribe has designated a portion of the funds appropriated for the tribe from funds appropriated under the Act of November 2, 1921, may be denied a contract for such portion under the Indian Self-Determination and Education Assistance Act (except as provided in that Act), or denied appropriate contract support to administer such portion of the appropriated funds.

SEC. 388. GRANT ADJUSTMENTS.

(a) **ALLOCATION.**—

(1) If the sums appropriated for any fiscal year for grants under this part are not sufficient to pay in full the total amount which approved applicants are eligible to receive under this part for such fiscal

year, the Secretary shall first allocate to each such applicant which received funds under this part for the preceding fiscal year an amount equal to 100 percent of the product of the per capita payment for the preceding fiscal year and such applicant's Indian student count for the current program year, plus an amount equal to the actual cost of any increase to the per capita figure resulting from inflationary increases to necessary costs beyond the institution's control.

(2) For purposes of paragraph (1), the per capita payment for any fiscal year shall be determined by dividing the amount available for grants to tribally controlled postsecondary vocational institutions under this part for such program year by the sum of the Indian student counts of such institutions for such program year. The Secretary shall, on the basis of the most accurate data available from the institutions, compute the Indian student count for any fiscal year for which such count was not used for the purpose of making allocations under this part.

(b) **NEEDS ESTIMATE.**—The Secretary shall, based on the most accurate data available from the institutions and Indian tribes whose Indian students are served under this part, in consideration of employment needs, economic development needs, population training needs, prepare an actual budget needs estimate for each institution eligible under this part for each subsequent program year, and submit such budget needs estimate to the Congress in such a timely manner as will enable the appropriate committees of the Congress to consider such needs data for purposes of the uninterrupted flow of adequate appropriations to such institutions.

SEC. 389. REPORT ON FACILITIES AND FACILITIES IMPROVEMENT.

(a) **STUDY OF TRAINING AND HOUSING NEEDS.**—

(1) The Secretary shall conduct a detailed study of the training and housing needs of each institution eligible under this part.

(2) The study required by paragraph (1) shall include an examination of —

(A) training equipment needs; and

(B) housing needs of families whose heads of household are students and whose dependents have no alternate source of support while such heads of household are students.

(3) The Secretary shall report to the Congress not later than July 1, 1991, on the results of the study required by paragraph (1).

(4) The report required by paragraph (3) shall—

(A) include the number, type, and cost of meeting the needs described in paragraph (2); and

(B) rank each institution by relative need.

(5) In conducting the study required by paragraph (1), the Secretary shall give priority to institutions

which are receiving assistance under this part.

(b) **LONG-TERM STUDY OF FACILITIES.—**

(1) The Secretary shall provide for the conduct of a long-term study of facilities of each institution eligible for assistance under this part.

(2) The study required by paragraph (1) shall include a 5-year projection of training facilities and equipment and housing needs and shall consider such factors as projected service population, employment and economic development forecasting, based on the most current and accurate data available from the institutions and Indian tribes affected.

(3) The Secretary shall submit to the Congress a detailed report on the results of such study not later than the end of the 18-month period beginning on the date of the enactment of this Act.

(4) The Secretary shall submit to the Congress a progress report not less often than once every 6 months, beginning on the date of the enactment of this Act, concerning activities conducted pursuant to this section.

(c) **CONSTRUCTION AND RENOVATION GRANTS.**—Pursuant to the studies conducted and the report submitted under subsections (a) and (b), the Secretary is authorized to make grants to the tribally controlled vocational institutions for construction, rehabilitation, major alterations and renovation of buildings and other physical structures for the conduct of programs funded under this part. Such grants shall be made in such time and pursuant to such applications as the Secretary shall by regulation determine.

SEC. 390. DEFINITIONS.

For the purposes of this part:

(1) The term 'Indian' and 'Indian tribe' have the meaning given such terms in section 2 of the Tribally Controlled Community College Assistance Act of 1978.

(2) The term 'tribally controlled postsecondary vocational institution' means an institution of higher education which is formally controlled, or has been formally sanctioned or chartered by the governing body of an Indian tribe or tribes which offers technical degrees or certificate granting programs.

(3) The term 'Indian student count' means a number equal to the total number of Indian students enrolled in each tribally controlled vocational institution, determined as follows:

(A) The registrations of Indian students as in effect on October 1 of each year.

(B) Credits or clock hours toward a certificate earned in classes offered during a summer term shall be counted toward the computation of the Indian student count in the succeeding fall term.

(C) Credits or clock hours toward a certificate earned in classes during a summer term shall be counted toward the computation of the Indian student count if the institution at which the student is in attendance has established criteria for the admission of such student on the basis of the student's ability to benefit from the education or training offered. The institution shall be presumed to have established such criteria if the admission procedures for such studies include counseling or testing that measures the student's aptitude to successfully complete the course in which the student has enrolled. No credit earned by such student for purposes of obtaining a high school degree or its equivalent shall be counted toward the computation of the Indian student count.

(D) Indian students earning credits in any continuing education program of a tribally controlled vocational institution shall be included in determining the sum of all credit or clock hours.

(E) Credits or clock hours earned in a continuing education program shall be converted to the basis that is in accordance with the institution's system for providing credit for participation in such programs.

TITLE IV— NATIONAL PROGRAMS

Part A—Research and Development.

SEC. 401. RESEARCH OBJECTIVES.

It is the purpose of this part—

(1) to authorize research activities which contribute to improving the access to vocational education programs of individuals who are disadvantaged, who are handicapped, women who are entering nontraditional occupations, adults who are in need of retraining, individuals who are single parents, displaced homemakers, or single pregnant women, individuals with limited English proficiency, and individuals who are incarcerated in correctional institutions;

(2) to authorize additional research and development activities that are related to the purposes of this Act as stated in section 2;

(3) to improve the competitive process by which research projects are awarded;

(4) to encourage the dissemination of findings of research projects assisted under this Act to all States; and

(5) to authorize research activities which are readily applicable to the vocational education setting and are of practical application to vocational education administrators, counselors, and instructors and others involved in vocational education.

SEC. 402. RESEARCH ACTIVITIES.

(a) In order to carry out the objectives set forth in section 401, the Secretary shall conduct applied research on aspects of vocational education specifically related to this Act. Such research may be conducted through the Office of Educational Research and Improvement. Such research shall include—

(1) effective methods for providing quality vocational education to handicapped individuals, disadvantaged individuals, men and women in nontraditional fields, adults, single parents, displaced homemakers, single pregnant women, individuals with limited English proficiency, and individuals who are incarcerated in correctional institutions;

(2) research on the development and implementation of performance standards and measures that fit within the needs of State boards or eligible recipients in carrying out the provisions of this Act and on the relationship of such standards and measures to the data system established under section

421, which may include evaluation of existing performance standards and measures and dissemination of such information to the State board and eligible recipients;

(3) evaluation of the use of performance standards and measures under this Act and the effect of such standards and measures on the participation of students in vocational education programs and on the outcomes of students in such programs, especially students who are members of special populations;

(4) strategies for coordinating local, State, and Federal vocational education, employment training, and economic development programs to maximize their efficacy and for improving worker training and retraining;

(5) the constructive involvement of the private sector in public vocational education;

(6) successful methods of reinforcing and enhancing basic and more advanced academic and problem-solving skills in vocational settings;

(7) successful methods for providing students, to the maximum extent practicable, with experience in and understanding of all aspects of the industry such students are preparing to enter; and

(8) the development of effective methods for providing quality vocational education to individuals of limited English proficiency, including research related to bilingual vocational training.

(b) In addition, the Secretary shall support meritorious, unsolicited research proposals from individual researchers, community colleges, State advisory councils, and State and local educators relating to the goals of this Act.

(c)(1) **DISSEMINATION.**—The Secretary shall establish a system for disseminating information resulting from research and development activities carried out under this Act. In establishing such system, the Secretary shall use existing dissemination systems, including the National Diffusion Network, the National Center or Centers for Research in Vocational Education, and the National Network for Curriculum Coordination in Vocational and Technical Education, in order to assure broad access at the State and local levels to the information being disseminated.

(2)(A) In order to comply with paragraph (1), the Secretary shall establish through grants or contracts a National Network for Curriculum Coordination in Vocational and Technical Education (in this paragraph referred to as the 'Network') consisting of 6 regional curriculum coordination centers. The Network shall—

(i) provide national dissemination of information on effective vocational education programs and materials, with particular attention to regional programs;

(ii) be accessible by electronic means;

(iii) provide leadership and technical assistance in the design, development, and dissemination of curricula for vocational education;

(iv) coordinate the sharing of information among the States with respect to vocational education curricula;

(v) reduce duplication of effort in State activities for the development of vocational education curricula; and

(vi) promote the use of research findings with respect to vocational education curricula.

(B) The Secretary shall encourage the designation by each State of a liaison representative for the Network.

(d) The Secretary shall give preference in carrying out the provisions of this part to public and private postsecondary institutions in conducting vocational education research.

(e) The Secretary shall institute measures designed to ensure that program improvement activities carried out under this section represent a coordinated effort to improve the quality of vocational education.

SEC. 403. NATIONAL ASSESSMENT OF VOCATIONAL EDUCATION PROGRAMS.

(a) **IN GENERAL.**—

(1) The Office of Education Research and Improvement (in this section referred to as the 'Office') shall conduct a national assessment of vocational education programs assisted under this Act, through studies and analyses conducted independently through competitive awards.

(2) The Office shall appoint an independent advisory panel, consisting of vocational education administrators, educators, researchers, representatives of business, industry, labor and other relevant groups, to advise the Office on the implementation of such assessment, including the issues to be addressed, the methodology of the studies, and the findings and recommendations. The panel, at its discretion, may submit to the Congress an independent analysis of the findings and recommendations of the assessment. The Federal Advisory Committee Act shall not apply to the panel established under this paragraph.

(b) **CONTENTS.**—The assessment required under subsection (a) shall include descriptions and evaluations of—

(1) the effect of this Act on State and tribal administration of vocational education programs and on local vocational education practices, including the capacity of State, tribal and local vocational education systems to address the priorities identified in this Act;

(2) expenditures at the Federal, State, tribal and local levels to address program improvement in vocational education, including the impact of Federal allocation requirements (such as within-State allocation formulas) on the delivery of services;

(3) preparation and qualifications of teachers of vocational and academic curricula in vocational education programs, as well as shortages of such teachers;

(4) participation in vocational education programs, including in particular, access of individuals who are members of special populations to high-quality vocational education programs and the effect on the delivery of services to such populations, of Federal legislation giving States flexibility in allocating funds to serve such populations;

(5) academic and employment outcomes of vocational education, including analyses of—

(A) the effect of educational reform on vocational education;

(B) the extent and success of integration of academic and vocational curricula;

(C) the success of the school-to-work transition; and

(D) the degree to which vocational training is relevant to subsequent employment;

(6) employer involvement in, and satisfaction with, vocational education programs;

(7) the effect of performance standards and other measures of accountability on the delivery of vocational education services;

(8) the effect of Federal requirements regarding criteria for services to special populations, participatory planning in the States, and articulation between secondary and postsecondary programs;

(9) coordination of services under this Act, the Adult Education Act, the Job Training Partnership Act, the National Apprenticeship Act, the Rehabilitation Act of 1973, and the Wagner-Peyser Act; and

(10) the degree to which minority students are involved in vocational student organizations.

(c) **CONSULTATION.**—

(1) The Secretary shall consult with the Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives in the design and implementation of the assessment required under subsection (a).

(2) The Secretary shall submit to the Congress—

(A) an interim report on or before January 1, 1994; and

(B) a final report, summarizing all studies and analyses completed after the assessment, on or before July 1, 1994.

(3) Notwithstanding any other provision of law or regulation, the reports required by this subsection

shall not be subject to any review outside of the Office of Education Research and Improvement before their transmittal to the Congress, but the President, the Secretary, and the independent advisory council established under subsection (a)(2) may make such additional recommendations to the Congress with respect to the assessment as they deem appropriate.

(d) **STUDY.**—

(1) The assessment required by subsection (a) shall include a study of the distribution of Federal vocational education funds to the States. The study shall—

(A) consider the distributional effects of the formula for allocation to the States established in section 101(a)(2), including the age cohorts and the per capita income allotment ratios;

(B) examine the impact that various other factors such as State tax capacity, tax effort, per capita income, poverty and education achievement, could have in achieving the Federal goals and policy objectives of this Act;

(C) specifically address the appropriate distribution mechanism to serve the target populations of this Act;

(D) explore the use of other possible methods of targeting funds to individuals who are members of special populations, particularly individuals who are economically disadvantaged, including the poverty rate of the school-aged population, the gross State product per school-age child, relative tax capacity, and tax effort of the State, unemployment figures, and dropout rates.

(2) The findings of the study required by paragraph (1) shall be used to formulate recommendations on the most appropriate criteria and methods to direct Federal funds to the States and to achieve the Federal goals and policy objectives of this Act.

(3) The study required under paragraph (1) shall be completed by January 1, 1994.

SEC. 404. NATIONAL CENTER OR CENTERS FOR RESEARCH IN VOCATIONAL EDUCATION.

(a) **GENERAL AUTHORITY.**—

(1) In order to address the purposes of this Act through the involvement of a broad array of individuals, including both vocational and academic teachers and administrators, the Secretary is authorized to award a grant or grants for the establishment of 1 or 2 national centers in the areas of—

(A) applied research and development; and

(B) dissemination and training.

(2) (A) Each entity selected to establish and operate a Center pursuant to paragraph (1) shall operate such Center for a period of 5 years.

(B) Beginning after December 31, 1992, the Secretary shall award an annual grant to the National Center or Centers selected pursuant to paragraph (1) for each of the five years such National Center is operated. After the third year in which the National Center or Centers receives a grant under this section the Secretary shall review the research priorities of the National Center or Centers.

(3) Of the amount available pursuant to section 451(a)(1) for purposes of carrying out this section, at least 2/3 of such amount shall be available for applied research and development.

(4) (A) The Secretary shall hold a competition at the same point in time for the grant or grants for the activities described in paragraph (1). Any institution of higher education or consortium of such institutions may compete for either or both sets of activities.

(B) For the purpose of this section the term 'institution of higher education' has the same meaning as provided by section 435(b) of the Higher Education Act of 1965.

(5) If an institution or consortium demonstrates that it can effectively carry out both activities either directly or through contracting, such institution or consortium shall be given a preference in the grant selection. If no institution or consortium demonstrates such capability and 2 grants are awarded, the Secretary must assure coordination of the activities under both grants.

(6) Not more than 10 percent of each years's budget for the Center or for each of the Centers may be used to respond to field-initiated needs unanticipated prior to the annual funding period and which are in the mission of the Center but not part of the scope of the work of the grant.

(7) The National Center in existence on the date of the enactment of the Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1990 shall continue to operate through its 5-year cycle ending December 31, 1992.

(b) **ACTIVITIES.—**

(1) The applied research and development activities shall include—

(A) economic changes that affect the skills which employers seek and entrepreneurs need;

(B) integration of academic and vocational education;

(C) efficient and effective practices for addressing the needs of special populations;

(D) efficient and effective methods for delivering vocational education;

(E) articulation of school and college instruction with high quality work experience;

(F) recruitment, education, and enhancement of vocational teachers and other professionals in the field;

(G) accountability processes in vocational education, to include identification and evaluation of the use of appropriate performance standards for student, program, and State-level outcomes;

(H) effective practices that educate students in all aspects of the industry the students are preparing to enter;

(I) effective methods for identifying and inculcating literacy and other communication skills essential for effective job preparation and job performance;

(J) identification of strategic, high priority occupational skills and skills formation approaches needed to maintain the competitiveness of the United States workforce, sustain high-wage, high-technology jobs and which address national priorities such as technical jobs needed to protect and restore the environment;

(K) identification of practices and strategies that address entrepreneurial development for minority-owned enterprises; and

(L) upon negotiation with the Center, and if funds are provided pursuant to subsection (d), such other topics as the Secretary may designate.

(2) The Center conducting the activities described in paragraph (1) shall annually prepare a study on the research conducted on approaches that lead to effective articulation for the education-to-work transition, including tech-prep programs, cooperative education or other work-based programs, such as innovative apprenticeship or mentoring approaches, and shall submit copies of such study to the Secretary of Education, the Secretary of Labor, the Secretary of Health and Human Services, the Committee on Labor and Human Resources of the Senate, and the Committee on Education and Labor of the House of Representatives.

(c) **DISSEMINATION AND TRAINING.—**

(1) The dissemination and training activities shall include—

(A) teacher and administrator training and leadership development;

(B) technical assistance to assure that programs serving special populations are effective in delivering well-integrated and appropriately articulated vocational and academic offerings for secondary, postsecondary, and adult students;

(C) needs assessment, design, and implementation of new and revised programs with related curriculum material to facilitate vocational-academic integration;

(D) evaluation and follow-through to maintain and extend quality programs;

(E) assistance in technology transfer and articulation of program offerings from advanced technology centers to minority enterprises;

(F) assistance to programs and States on the use of accountability indicators, including appropriate and innovative performance standards;

(G) delivery of information and services using advanced technology, where appropriate, to increase the effectiveness and efficiency of knowledge transfer;

(H) development of processes for synthesis of research, in cooperation with a broad array of users, including vocational and non-vocational educators, employers and labor organizations;

(I) dissemination of exemplary curriculum and instructional materials, and development and publication of curriculum materials (in conjunction with vocational and non-vocational constituency groups, where appropriate);

(J) technical assistance in recruiting, hiring, and advancing minorities in vocational education; and

(K) upon negotiation with the Center and if funds are provided pursuant to subsection (d), such other topics as the Secretary may designate.

(2) The Center conducting the activities described in paragraph (1) shall annually prepare a study on the dissemination and training activities described in paragraph (1) and shall submit copies of such study to the Secretary of Education, the Secretary of Labor, the Secretary of Health and Human Services, the Committee on Labor and Human Resources of the Senate, and the Committee on Education and Labor of the House of Representatives.

(d) **AUTHORIZATION OF OTHER RESEARCH.**—There are authorized to be appropriated $3,000,000 for the fiscal year 1991 and such sums as may be necessary for each of the fiscal years 1992, 1993, 1994, and 1995 to carry out such additional activities assigned by the Secretary to the National Center in existence on the date of enactment of the Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1990 until the termination of its grant on December 31, 1992 and to carry out the provisions of subsections (b)(1)(L) and (c)(1)(K).

Part B—Demonstration Programs.

SEC. 411. PROGRAMS AUTHORIZED.

(a) **IN GENERAL.**—From amounts available pursuant to section 101(a)(1)(A) in each fiscal year, the Secretary shall make demonstration grants in accordance with the provisions of this part.

(b) **PRIORITY.**—In awarding demonstration grants pursuant to this part, the Secretary shall give priority to the programs described in section 412 and 413.

SEC. 412. MATERIALS DEVELOPMENT IN TELECOMMUNICATIONS.

(a) **GENERAL AUTHORITY.**—The Secretary is authorized to make grants to nonprofit educational telecommunication entities to pay the Federal share of the costs of the development, production, and distribution of instructional telecommunications materials and services for use in local vocational and technical educational schools and colleges.

(b) **FEDERAL SHARE.**—

(1) The Federal share of the cost of each project assisted under this section shall be 50 percent;

(2) The non-Federal share of the cost of each project assisted under this section shall be provided from non-Federal sources.

(c) **USE OF FUNDS.**—Grants awarded pursuant to this section may be used to provide—

(1) a sequential course of study that includes either preproduced video courseware or direct interactive teaching delivered via satellite, accompanied by a variety of print and computer-based instructional materials;

(2) the development of individual videocassettes or a series of videocassettes that supplement instruction, which shall be distributed both via broadcast and nonbroadcast means;

(3) videodiscs that produce simulated hands-on training; and

(4) teacher training programs for vocational educators and administrators and correctional educators.

(d) **PRIORITY.**—In awarding grants under this section the Secretary shall give priority to programs or projects which serve—

(1) students in area vocational and technical schools;

(2) teachers, administrators, and counselors in need of training or retraining;

(3) out of school adults in need of basic skills improvement or a high school equivalency diploma to improve the employability of such individuals;

(4) college students, particularly those working toward a 2-year associate degree from a technical or community college;

(5) workers in need of basic skills, vocational instruction, or career counseling to retain employment; and

(6) workers who need to upgrade their skills to obtain jobs in high growth industries.

SEC. 413. DEMONSTRATION CENTERS FOR THE RETRAINING OF DISLOCATED WORKERS.

(a) **GENERAL AUTHORITY.**—The Secretary is authorized to establish 1 or more demonstration centers for the retraining of dislocated workers. Such center or centers may provide for the recruitment of unemployed workers, vocational evaluation, assessment and counseling services, vocational and technical training, support services, and job placement assistance. The design and operation of each center shall provide for the utilization of appropriate existing Federal, State, and local programs.

(b) **EVALUATION.**—The Secretary shall provide for the evaluation of each center established under subsection (a).

(c) **DISSEMINATION OF INFORMATION.**—The Secretary shall disseminate information on successful retraining models developed by any center established under subsection (a) through dissemination programs operated by the Secretary and the Secretary of Labor.

(d) **ELIGIBLE ORGANIZATIONS.**—Any private, nonprofit organization that is eligible to receive funding under the Job Training Partnership Act is eligible to receive funding under this section.

SEC. 414. PROFESSIONAL DEVELOPMENT.

(a) **TRAINING AND STUDY GRANTS.**—

(1) The Secretary is authorized to provide grants to institutions of higher education, State educational agencies, or State correctional education agencies to provide grants, awards, or stipends—

(A) to individuals who are entering the field of vocational education;

(B) for graduate training in vocational education;

(C) for vocational teacher education; and

(D) for attracting gifted and talented students in vocational programs into further study and professional development.

(2) Grants, awards, and stipends awarded under paragraph (1) shall provide—

(A) opportunities for experienced vocational educators;

(B) opportunities for—

(i) certified teachers who have been trained to teach in other fields to become vocational educators, including teachers with skills related to vocational fields who can be trained as vocational educators, and especially minority instructors and instructors with experience in teaching individuals who are economically disadvantaged, individuals with handicaps, students of limited English proficiency, and adult and juvenile criminal offenders;

(ii) individuals in industry who have skills and experience in vocational fields to be trained as vocational educators; and

(iii) vocational educators to improve or maintain technological currency in their fields; and

(C) opportunities for gifted and talented vocational education secondary and postsecondary students to intern with Federal or State agencies, nationally recognized vocational education associations and student organizations or the National Center or Centers for Research in Vocational Education.

(b) **LEADERSHIP DEVELOPMENT AWARDS.**—

(1) In order to meet the needs of all States for qualified vocational education leaders (such as administrators, supervisors, teacher educators, researchers, career guidance and vocational counseling personnel, vocational student organization leadership personnel and teachers in vocational education programs), the Secretary shall make grants to institutions of higher education for leadership development awards. Individuals selected for such awards shall—

(A) have not less than 3 years of experience in vocational education or in industrial training, or, in the case of researchers, experience in social science research which is applicable to vocational education;

(B) are currently employed or are reasonably assured of employment in vocational education and have successfully completed at least a baccalaureate degree program;

(C) are recommended by their employer, or others, as having leadership potential in the field of vocational education and have been accepted for admission as a graduate student in a program of higher education approved by the Secretary; and

(D) have made a commitment to return to the field of vocational education upon completion of education provided through the leadership development award.

(2) For a period of not more than 3 years, stipends shall be paid to individuals selected for leadership development awards. Such stipends shall be paid (including allowances for tuition, nonrefundable fees, and other expenses for such individuals and their dependents) as may be determined to be consistent with prevailing practices.

(3) The Secretary may provide grants to institutions for stipends to individuals, which shall not exceed $9,000 per individual per academic year or its equivalent and $3,000 per individual per summer session or its equivalent.

(4) The Secretary shall approve the application of the vocational education program of an institution

of higher education for the purposes of this section only upon finding that—

(A) the institution offers a comprehensive program in vocational education with adequate supporting services and disciplines such as education administration, career guidance and vocational counseling, research, and curriculum development;

(B) such program is designed to substantially advance the objective of improving vocational education through providing opportunities for graduate training of vocational teachers, supervisors, and administrators, and of university-level vocational education teacher educators and researchers; and

(C) such programs are conducted by a school of graduate study in the institution of higher education.

(5) The Secretary, in carrying out this subsection shall apportion leadership development awards to institutions of higher education equitably among the States, taking into account such factors as the State's vocational education enrollments and the need for additional vocational education personnel in the State.

(6) Each individual who receives a leadership development award under this subsection shall receive payments as provided in paragraph (2) for not more than a 3-year period during which such individual is—

(A) pursuing a full-time course of study in vocational education in an approved institution of higher education;

(B) maintaining satisfactory proficiency in such course of study; and

(C) not engaged in gainful employment other than part-time employment by such institution in teaching, research, or similar activities.

(c) **VOCATIONAL EDUCATOR TRAINING FELLOWSHIPS.**—

(1) The purpose of this subsection is to provide fellowships—

(A) to meet the need to provide adequate numbers of teachers and related classroom instructors in vocational education who are technologically current in their fields;

(B) to take full advantage of the education which has been provided to already certified teachers who are unable to find employment in their fields of training and of individuals employed in industry who have skills and experience in vocational fields; and

(C) to encourage more instructors from minority groups and teachers with skills and experience with individuals of limited English proficiency to become vocational education teachers.

(2) The Secretary shall make available fellowships, in accordance with the provisions of this

subsection, to individuals (especially minority instructors and instructors with experience in teaching individuals who are economically disadvantaged, individuals with disabilities, students of limited English proficiency, and adult and juvenile criminal offenders) who—

(A) (i) (I) are employed in vocational education and need an opportunity to improve or maintain technological skills;

(II) are certified by a State, or were so certified during the 10-year period preceding their application for a fellowship under this subsection, as teachers in secondary schools, area vocational education schools or institutes, or in community or junior colleges; and

(III) have skills and experiences in vocational fields so that such individuals can be trained to be vocational educators; or

(ii) are employed in agriculture, business, or industry (and may or may not hold a baccalaureate degree) and have skills and experience in vocational fields for which there is a need for vocational educators;

(B) have been accepted in a program to become a vocational educator by an institution of higher education approved by the Secretary; and

(C) have made a commitment to work in the field of vocational education upon completion of such program.

(2) The Secretary shall, for a period of not more than 2 years, provide stipends to individuals who are awarded fellowships under this subsection (including such allowances for tuition, nonrefundable fees, subsistence and other expenses for such individuals and the dependents of such individuals) as the Secretary may determine to be consistent with prevailing practices.

(3) The Secretary shall approve an institution of higher education under this subsection if—

(A) the institution offers a comprehensive program in vocational education with adequate supporting services and disciplines such as education administration, career guidance and vocational counseling, research and curriculum development; and

(B) such program is available to individuals receiving fellowships under this subsection so that such individuals receive the same quality of education and training provided for undergraduate students at such institution who are preparing to become vocational education teachers.

(4) The Secretary shall apportion the fellowships available under this subsection equitably among the States, taking into account such factors as the State's vocational education enrollments, and the need in the State for additional vocational educators, especially minority educators and

individuals with skills and experience in teaching individuals of limited English proficiency.

(5) Individuals receiving fellowships under this subsection shall continue to receive payments provided in paragraph (2) only during such period as such individuals—

(A) are maintaining satisfactory proficiency;

(B) are devoting full time to study in the field of vocational education in an institution of higher education; and

(C) are not engaging in gainful employment other than part-time employment by such institution.

(6) (A) The Secretary shall, before the beginning of each fiscal year for which amounts are appropriated or otherwise made available to carry out this subsection, publish a listing of—

(i) the areas of teaching in vocational education in need of additional personnel;

(ii) the areas of teaching which will likely have need of additional personnel in the future; and

(iii) areas of teaching in which technological upgrading may be especially critical.

(B) The listing required by subparagraph (A) shall be based on information from the National Occupational Information Coordinating Committee, State occupational information coordinating committees, the vocational education data system established pursuant to section 421, and other appropriate sources.

(7) In selecting recipients for fellowships under this subsection, the Secretary shall, to the maximum extent practicable, grant fellowships to individuals seeking to become teachers or improve their skills in the areas identified in the listing required by paragraph (6)(A).

(d) **INTERNSHIPS FOR GIFTED AND TALENTED STUDENTS.—**

(1) The purpose of this subsection is to provide stipends for internships to meet the need of attracting gifted and talented vocational education students into further study and professional development in the field of vocational education.

(2) (A) The Secretary shall, from recommendations provided by State directors of vocational education, select gifted and talented students from vocational education secondary and postsecondary programs to work as interns for Federal and State agencies, nationally recognized vocational education associations, or the National Center or Centers for Research in Vocational Education. Each such student shall receive a stipend for the period of the student's internship, which shall not exceed 9 months. Such stipend shall cover subsistence and other expenses for such individuals and shall be in such amount as the Secretary may determine to be consistent with prevailing practices.

(B) Each individual selected under this paragraph shall have been recommended as gifted and talented by a vocational educator at the secondary or postsecondary school the student attends.

(C) Each individual selected under this paragraph shall, during the period of such individual's internship, be provided with professional supervision by an individual qualified and experienced in the field of vocational education at the agency or institution at which the internship is offered.

SEC. 415. BLUE RIBBON VOCATIONAL EDUCATION PROGRAMS.

(a) **INFORMATION DISSEMINATION.**—The Secretary is authorized to disseminate information and exemplary materials regarding effective vocational education.

(b) **STANDARDS OF EXCELLENCE.**—

(1) The Secretary, in consultation with the National Center or Centers for Research in Vocational Education (in this section referred to as the 'National Center or Centers for Research'), the National Diffusion Network, and the Blue Ribbon Schools Program, is authorized to carry out programs to recognize secondary and postsecondary schools or programs which have established standards of excellence in vocational education and which have demonstrated a high level of quality. Such schools and programs shall be known as 'Blue Ribbon Vocational Programs'. The Secretary shall competitively select schools and programs to be recognized from among public and private schools or programs within the States and schools funded by the Department of the Interior.

(2) In the case of a private school or vocational education program that is designated as a Blue Ribbon Vocational Education Program, the Secretary shall make suitable arrangements to provide the award to such school.

(c) **AWARDS.**—

(1) The Secretary, in consultation with the National Center or Centers for Research and the National Occupational Information Coordinating Committee (in this section referred to as the 'Committee'), is authorized to designate each fiscal year a category or several categories of vocational education, which may include tech-prep education, in which Blue Ribbon Vocational Education Program awards will be named. Such categories shall emphasize the expansion or strengthening of the participation of individuals who are members of special populations and may give special consideration to any of the following:

(A) program improvement;

(B) academic and occupational competencies; and

(C) other categories determined by the Secretary in consultation with the National Center or Centers of Research and the Committee.

(2) Within each category, the Secretary shall determine the criteria and procedures for selection. Selection for such awards shall be based solely on merit. Schools or programs selected for awards under this section shall not be required to be representative of the States.

(d) **CONSULTATION.**—

(1) The Secretary shall carry out the provisions of this section, including the establishment of the selection procedures, after consultation with appropriate outside parties.

(2) No award may be made under this section unless the local educational agency, area vocational education school, intermediate educational agency, tribal authority, Bureau of Indian Affairs, or appropriate State agency with jurisdiction over the school or program involved submits an application to the Secretary at such time, in such manner and containing such information as the Secretary may reasonably require.

SEC. 416. DEVELOPMENT OF BUSINESS AND EDUCATION STANDARDS.

(a) **FINDINGS.**—The Congress finds that, in order to meet the needs of business for competent entry-level workers who have received a quality vocational education, national standards should be developed for competencies in industries and trades.

(b) **GENERAL AUTHORITY.**—

(1) The Secretary, in consultation with the Secretary of Labor, is authorized to establish a program of grants to industrial trade associations, labor organizations, or comparable national organizations for purposes of organizing and operating business-labor-education technical committees.

(2) The committees established with assistance under this section shall propose national standards for competencies in industries and trades. Such standards shall at least include standards for—

(A) major divisions or specialty areas identified within occupations studied;

(B) minimum hours of study to be competent in such divisions or specialty areas;

(C) minimum tools and equipment required in such divisions or specialty areas;

(D) minimum qualifications for instructional staff; and

(E) minimum tasks to be included in any course of study purporting to prepare individuals for work in such divisions or specialty areas.

(c) **MATCHING REQUIREMENT.**—Each recipient of a grant under this section shall agree to provide for the committee to be established under the grant an amount equal to the amount provided under the grant.

(d) **APPLICATION.**—Any industrial trade association, labor organization, national joint apprenticeship committee, or comparable national organization that desires to receive a grant under this section shall submit to the Secretary an application at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

SEC. 417. EDUCATIONAL PROGRAMS FOR FEDERAL CORRECTIONAL INSTITUTIONS.

(a) **PROGRAM AUTHORIZED.**—The Secretary is authorized to make grants to Federal correctional institutions in consortia with educational institutions, community-based organizations of demonstrated effectiveness, or business and industry, to provide education and training for criminal offenders in such institutions.

(b) **USE OF FUNDS.**—Grants awarded pursuant to this section may be used for—

(1) basic education programs with an emphasis on literacy instruction;

(2) vocational training programs;

(3) guidance and counseling programs; and

(4) supportive services for criminal offenders, with special emphasis on the coordination of educational services with agencies furnishing services to criminal offenders after such offenders are released from correctional institutions.

SEC. 418. DROPOUT PREVENTION.

(a) **PROGRAM AUTHORIZED.**—The Secretary is authorized to make grants to partnerships between—

(1) local educational agencies or area vocational education schools; and

(2) institutions of higher education or public or private nonprofit organizations which have an established record of vocational education strategies that prevent students from dropping out of school.

(b) **USE OF FUNDS.**—Grants awarded under this section shall be used to develop, implement, and operate vocational education programs designed to prevent students from dropping out of school. Such programs shall—

(1) serve special populations, including significant numbers of economically disadvantaged dropout-prone youth;

(2) provide inservice training for teachers and administrators in dropout prevention; and

(3) disseminate information relating to successful dropout prevention strategies and programs through the National Dropout Prevention Network and the Center on Adult, Career and Vocational Education of the Educational Resources Information Clearinghouse.

(c) **PRIORITY.**—In awarding grants under this section, the Secretary shall give priority to partnerships which—

(1) provide the special support services necessary to help individual students successfully complete the program such as mentoring, basic skill education, and services which address barriers to learning; and

(2) utilize measures to integrate basic and academic skills instruction with work experience and vocational education.

SEC. 419. MODEL PROGRAMS OF REGIONAL TRAINING FOR SKILLED TRADES.

(a) **PROGRAM AUTHORIZED.**—The Secretary is authorized to make grants to regional model centers which provide—

(1) training for skilled tradesmen within a region serving several States, and

(2) technical assistance of programs which train such tradesmen within a region serving several States.

(b) **USE OF FUNDS.**—The regional model centers established pursuant to subsection (a) shall—

(1) provide training and career counseling for skilled tradesmen in areas of skill shortages or projected skilled shortages;

(2) provide prejob and apprenticeship training and career counseling in skilled trades;

(3) upgrade specialized craft training; and

(4) improve the access of women, minorities, economically disadvantaged individuals, individuals with handicaps and ex-criminal offenders to trade occupations and training.

(c) **SPECIAL RULE.**—In awarding grants under this section, and to the extent practicable, the Secretary shall ensure an equitable distribution of funds available under this section to the various skilled trades.

SEC. 420. DEMONSTRATION PROJECTS FOR THE INTEGRATION OF VOCATIONAL AND ACADEMIC LEARNING.

(a) **PROGRAM AUTHORIZED.**—The Secretary is authorized to make grants to institutions of higher education, area vocational schools, local educational agencies, secondary schools funded by the Bureau of Indian Affairs, State boards, public or private nonprofit organizations, or any consortia thereof, to develop, implement and operate programs using different models of curricula which integrate vocational and academic learning by—

(1) designing integrated curricula and courses;

(2) providing inservice training for teachers and administrators in integrated curricula; and

(3) disseminating information regarding effective integrative strategies to other school districts through the National Diffusion Network established under section 1562 of the Elementary and

Secondary Education Act of 1965;

(b) **REQUIREMENTS RELATING TO GRANT AWARDS.**—In awarding grants under this section, the Secretary shall ensure—

(1) an equitable geographic distribution of funds awarded pursuant to this section;

(2) that programs supported under this section offer significantly different approaches to integrating curricula;

(3) that the programs supported under this section serve special populations;

(4) that programs supported under this section serve—

(A) vocational students in secondary schools and at postsecondary institutions;

(B) individuals enrolled in adult programs; and

(C) single parents, displaced homemakers, and single pregnant women; and

(5) that adequate evaluation measures will be employed to measure the effectiveness of the curriculum approaches supported under this section.

SEC. 420A. COOPERATIVE DEMONSTRATION PROGRAMS.

(a) **PROGRAM AUTHORIZED.**—The Secretary is authorized to carry out, directly or through grants to or contracts with State and local educational agencies, postsecondary educational institutions, institutions of higher education, and other public and private agencies, organizations, and institutions, programs and projects which support—

(1) model programs providing improved access to quality vocational education programs for those individuals described in section 521(31) of this Act and for men and women seeking nontraditional occupations;

(2) examples of successful cooperation between the private sector and public agencies in vocational education, involving employers or consortia of employers or labor organizations and building trade councils, and State boards or eligible recipients designed to demonstrate ways in which vocational education and the private sector of the economy can work together effectively to assist vocational education students to attain the advanced level of skills needed to make the transition from school to productive employment, including—

(A) work experience and apprenticeship programs;

(B) transitional worksite job training for vocational education students which is related to their occupational goals and closely linked to classroom and laboratory instruction provided by an eligible recipient;

(C) placement services in occupations which the students are preparing to enter;

(D) where practical, projects (such as the rehabilitation of public schools or housing in inner cities or economically depressed rural areas) that will benefit the public; and

(E) employment-based learning programs;

(3) programs to overcome national skill shortages, as designated by the Secretary in cooperation with the Secretary of Labor, Secretary of Defense, and Secretary of Commerce;

(4) model programs described in section 312(b)(1), including child growth and development centers;

(5) grants to community-based organizations in partnerships with local schools, institutions of higher education, and businesses for programs and projects that assist disadvantaged youths in preparing for technical and professional health careers (which partnerships should include in-kind contributions from such schools, institutions, and businesses and involve health professionals serving as preceptors and counselors); and

(6) model programs providing improved access to vocational education programs through centers to be known as agriculture action centers, which programs shall be operated under regulations developed by the Secretary in consultation with the Secretary of Labor and—

(A) shall assist—

(i) individuals who are adversely affected by farm and rural economic downturns;

(ii) individuals who are dislocated from farming; and

(iii) individuals who are dislocated from agriculturally-related businesses and industries that are adversely affected by farm and rural economic downturns;

(B) shall provide services, including—

(i) crisis management counseling and outreach counseling that would include members of the family of the affected individual;

(ii) evaluation of vocational skills and counseling on enhancement of such skills;

(iii) assistance in obtaining training in basic, remedial, and literacy skills;

(iv) assistance in seeking employment and training in employment-seeking skills; and

(v) assistance in obtaining training related to operating a business or enterprise;

(C) shall provide for formal and on-the-job training to the extent practicable; and

(D) shall be coordinated with activities and discretionary programs conducted under title III of the Job Training Partnership Act.

(b)(1) Projects described in clause (2) of subsection (a) may include institutional and on-the-job training, supportive services authorized by this Act, and such other necessary assistance as the Secretary determines to be necessary for the successful completion of the project.

(2) Not less than 25 percent of the cost of the demonstration programs authorized by this subpart shall be provided by the recipient of the grant or contract, and such share may be in the form of cash or in-kind contributions, including facilities, overhead, personnel, and equipment fairly valued.

(c) All programs assisted under this section shall be—

(1) of direct service to individuals enrolled in such programs; and

(2) capable of wide replication by service providers.

(d) The Secretary shall disseminate the results of the programs and projects assisted under this section in a manner designed to improve the training of teachers, other instructional personnel, counsellors, and administrators who are needed to carry out the purposes of this Act.

Part C—Vocational Education and Occupational Information Data Systems.

SEC. 421. DATA SYSTEMS AUTHORIZED.

(a) **ESTABLISHMENT OF SYSTEM.**—

(1) The Secretary shall, directly, or by grant, contract or cooperative agreement, establish a vocational educational data system (in this section referred to as the 'system'), using comparative information elements and uniform definitions, to the extent practicable.

(2) The Secretary shall establish the system not later than the end of the 6-month period beginning on the date of the enactment of the Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1990.

(3) The National Center for Education Statistics (in this section referred to as the 'National Center') shall coordinate the development and implementation of the system.

(b) **FUNCTIONS OF SYSTEM.**—Through the system, the Secretary shall collect data and analyze such data in order to provide—

(1) the Congress with information relevant to policymaking; and

(2) Federal, State, and local agencies and Tribal agencies with information relevant to program management, administration and effectiveness with respect to education and employment opportunities.

(c) **CONTENTS OF SYSTEM.**—

(1) (A) The system shall include information—

(i) describing the major elements of the vocational education system on at least a national basis, including information with respect to teachers, administrators, students, facilities, and, to the extent practicable, equipment; and

(ii) describing the condition of vocational education with respect to the elements described in clause (i).

(B) The information described in subparagraph (A) shall be provided, to the extent practicable, in the context of other educational data relating to the condition of the overall education system.

(C) The Secretary, in consultation with the Task Force, the National Center, and the Office of Adult and Vocational Education (in this section referred to as the 'Office'), shall modify existing general purpose and program data systems to ensure that an appropriate vocational education component is included in the design, implementation and reporting of such systems in order to fulfill the information requirements of this section.

(2) The information system shall include data reflecting the extent of participation of the following populations:

(A) women;

(B) Indians;

(C) individuals with handicaps;

(D) individuals of limited English proficiency;

(E) economically disadvantaged students (including information on students in rural and urban areas);

(F) adults who are in need of training and retraining;

(G) single parents;

(H) youths incarcerated in juvenile detention or correctional facilities or criminal offenders who are serving time in correctional institutions;

(I) individuals who participate in programs designed to eliminate gender bias and sex stereotyping in vocational education;

(J) minorities; and

(K) displaced homemakers.

(3) The Secretary, in consultation with the National Center and the Office, shall maintain and update the system at least every 3 years and assure the system provides the highest quality statistics and is adequate to meet the information needs of this Act. In carrying out the requirements of this paragraph, the Secretary shall ensure that appropriate methodologies are used in assessments

of students of limited English proficiency and students with handicaps to ensure valid and reliable comparisons with the general student population and across program areas. With respect to standardized tests and assessments administered under this Act, test results shall be used as 1 of multiple independent indicators in assessment of performance and achievement.

(d) **ASSESSMENT OF INTERNATIONAL COMPETITIVENESS.**—The Center shall carry out an assessment of data availability and adequacy with respect to international competitiveness in vocational skills. To the extent practicable, the assessment shall include comparative policy-relevant data on vocational education in nations which are major trade partners of the United States. The assessment shall at a minimum identify available internationally comparative data on vocational education and options for obtaining and upgrading such data. The results of the assessment required by this paragraph shall be reported to the appropriate committees of the Congress not later than August 31, 1994.

(e) **USE OF AND COMPATIBILITY WITH OTHER DATA COLLECTION SYSTEMS.**—

(1) In establishing, maintaining, and updating the system, the Secretary shall—

(A) use existing data collection systems operated by the Secretary and, to the extent appropriate, data collection systems operated by other Federal agencies;

(B) conduct additional data collection efforts to augment the data collection systems described in subparagraph (A) by providing information necessary for policy analysis required by this section; and

(C) use any independent data collection efforts that are complementary to the data collection efforts described in subparagraphs (A) and (B).

(2) In carrying out the responsibilities imposed by this part, the Secretary shall cooperate with the Secretary of Commerce, the Secretary of Labor, and the National Occupational Information Coordinating Committee established under section 422 with respect to the development of an information system under section 463 of the Job Training Partnership Act to ensure that the information system operated under this section is compatible with and complementary to other occupational supply and demand information systems developed or maintained with Federal assistance. The Secretary shall also ensure that the system allows international comparisons to the extent feasible.

(3) The Secretary shall assure that the system, to the extent practicable, uses data definitions common to State plans, performance standards, local applications and evaluations required by this Act. The data in the system shall be available for use in preparing such plans, standards,

applications, and evaluations.

(f) **REPORTS.**—The Secretary shall report to the Congress at least biennially with respect to—

(1) the performance of the system established under subsection (a); and

(2) strategies to improve the system and expand its implementation.

(g) **VOCATIONAL EDUCATION ADVISORY TASK FORCE.**—

(1) The Secretary, in consultation with the National Center and the Office shall establish a Vocational Education Advisory Task Force.

(2) The Secretary shall establish the Task Force before the expiration of the 90-day period beginning on the date of the enactment of the Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1990, and shall terminate upon the expiration of the 2-year period beginning on such date.

(3) The Task Force shall advise the Secretary on the development and implementation of an information reporting and accounting system responsive to the diverse programs supported by this Act.

(4) The membership of the Task Force shall be representative of Federal, State, and local agencies and Tribal agencies affected by technological information, representatives of secondary and vocational postsecondary educational institutions, representatives of vocational student organizations, representatives of special populations, representatives of adult training programs funded under this Act, and representatives of apprenticeships, business, and industry.

(5) The National Center shall provide the Task Force with staff for the purpose of carrying out its functions.

(h) **ASSESSMENT OF EDUCATIONAL PROGRESS ACTIVITIES.**—As a regular part of its assessments, the National Assessment of Educational Progress shall collect and report information for at least a nationally representative subsample of vocational education students, including students who are members of special populations, which shall allow for fair and accurate assessment and comparison of the educational achievement of vocational education students and other students in the areas assessed. Such assessment may include international comparisons.

SEC. 422. NATIONAL OCCUPATIONAL INFORMATION COORDINATING COMMITTEE.

(a) There is established a National Occupational Information Coordinating Committee (in this section referred to as the 'Committee') which shall consist of the Assistant Secretary for Vocational and Adult Education, the Commissioner of the Rehabilitative Services Administration, the Director of the Office of Bilingual Education and Minority Language Affairs, the Assistant Secretary for Postsecondary

Education, and the Administrator of the National Center for Education Statistics of the Department of Education, the Commissioner of Labor Statistics and the Assistant Secretary for Employment and Training of the Department of Labor, the Undersecretary for Small Community and Rural Development of the Department of Agriculture, the Assistant Secretary for Economic Development of the Department of Commerce, and the Assistant Secretary of Defense (Force Management and Personnel). The Committee, with funds available to it under section 451, shall provide funds on an annual basis, to State occupational information coordinating committees and to eligible recipients and shall—

(1) in the use of program data and employment data, improve coordination and communication among administrators and planners of programs authorized by this Act and by the Job Training Partnership Act, employment security agency administrators, research personnel, and personnel of employment and training planning and administering agencies (including apprenticeship training agencies) at the Federal, State, and local levels;

(2) develop and implement, in cooperation with State and local agencies, an occupational information system to meet the common occupational information needs of vocational education programs and employment and training programs at the national, State, and local levels, which system shall include data on occupational demand and supply based on uniform definitions, standardized estimating procedures, and standardized occupational classifications, including regularly updated data on employment demand for agribusiness;

(3) conduct studies to improve the quality and delivery of occupational information systems to assist economic development activities, and examine the effects of technological change on new and existing occupational areas and the required changes in knowledge and job skills;

(4) continue training, technical assistance activities to support comprehensive career guidance, and vocational counseling programs designed to promote improved career decisionmaking by individuals (especially in areas of career information delivery and use);

(5) coordinate the efforts of Federal, State, and local agencies and Tribal agencies with respect to such programs; and

(6) assist State occupational information coordinating committees established pursuant to subsection (b).

(b) Each State receiving assistance under this Act shall establish a State occupational information coordinating committee composed of representatives of the State board, the State employment security agency, the State economic development agency, the State job training coordinating council, and the agency administering the vocational rehabilitation program. Such committee shall, with funds available to it from the National Occupational Information Coordinating Committee established pursuant to subsection (a)—

(A) implement an occupational information system in the State which will meet the common needs for the planning for, and the operation of, programs of the State board assisted under this Act and of the administering agencies under the Job Training Partnership Act; and

(B) use the occupational information system to implement a career information delivery system.

(c)(1)(A) The Committee, in consultation with the National Center or Centers for Research in Vocational Education, appropriate Federal agencies, and the States, shall establish a demonstration program to monitor educational outcomes for vocational education using wage and other records. The Committee shall develop procedures for establishing and maintaining nationally accessible information on a sample of wage and earning records maintained by States on earnings, establishment and industry affiliation and geographical location, and on educational activities. This information shall be collected on at least an annual basis. The program shall ensure that a scientific sample of vocational education students and nonvocational education students, local educational agencies, and States participate in the program. The Committee shall maintain, analyze, and report data collected under the program and shall provide technical assistance to States, local educational agencies, and others that wish to participate in the study.

(B)(i) Participation in the program described in subparagraph (A) shall be voluntary. The Committee shall enter into an agreement with any State which desires to carry out a study for the State under the subsection. Each such agreement shall contain provisions designed to assure—

(I) that the State will participate in the study;

(II) that the State will pay from non-Federal sources the non-Federal share of participation; and

(III) that the State agrees to the terms and conditions specified in this section.

(ii) For each fiscal year, the non-Federal share for the purpose of this program shall be the cost of conducting the study in the State, including the cost of administering the assessment for the State sample and the cost of coordination within the State.

(2) The program shall provide for an independent evaluation conducted by the Office of Technology Assessment of the Congress to assess the validity, fairness, accuracy, and utility of the data it

produces. The report shall also describe the technical problems encountered and a description of what was learned about how best to implement and utilize data from the program.

(3) The provision of wage and other records to the Committee by a State employment security agency shall be voluntary and pursuant to an agreement between the Committee and the agency. Such agreement shall take into consideration issues such as—

(A) reimbursing the State employment security agency for the costs to the agency of providing the information; and

(B) compliance with safeguards established by the State employment security agency and determined by the Secretary of Labor to be appropriate to ensure that the information disclosed to the Committee is used only for the purposes of this subsection.

(4) The Executive Director of the Committee, in consultation with the Secretary, shall ensure that all personally identifiable information about students, their educational performance and their families and information with respect to individual schools shall remain confidential in accordance with the provisions of section 552 of title 5, United States Code. The data gathered under this subsection shall not be used to rank, compare, or otherwise evaluate individual students or individual schools. No individual may be included in the program without that individual's written consent. At least once every 3 years the Secretary shall remind participants in writing of their inclusion in the program.

(d) Of amounts reserved under section 451(a)(3)(A) to carry out the provisions of this section, the Committee shall use—

(1) to support State occupational information coordinating committees for the purpose of operating State occupational information systems and career information delivery systems, the greater of—

(A) an amount equal to the aggregate amount appropriated or otherwise made available for that purpose for the fiscal year 1990; or

(B) an amount equal to 75 percent of the aggregate amount appropriated or otherwise made available to carry out this section; and

(2) for purposes of carrying out subsection (c)—

(A) an amount equal to not less than 10 percent of the amounts available to carry out this section; or

(B) if the amount remaining after carrying out paragraph (1) is insufficient to provide the amount described in subparagraph (A), such remaining amount.

SEC. 423. INFORMATION BASE FOR VOCATIONAL EDUCATION DATA SYSTEM.

(a) **INFORMATION RELATING TO STUDENTS WITH HANDICAPS.—**

(1) The Secretary shall ensure that adequate information on access to vocational education by secondary school students with handicaps is maintained in the data system established under section 421.

(2) The system shall include detailed information obtained through scientific sample surveys concerning—

- (A) types of programs available; and
- (B) enrollment of students with handicaps by—
  - (i) type of program;
  - (ii) type of instructional setting; and
  - (iii) type of handicap.

(3) (A) The General Accounting Office shall conduct a 3-year study, using representative samples, of the effects of the amendments made by title II of the Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1990 on the access to and participation in vocational education of disadvantaged students, students with handicaps, students of limited English proficiency, and, to the extent practicable, foster children.

(B) The study shall include consideration of issues such as—

- (i) the proportion of students described in paragraph (1) who are enrolled in vocational education programs during the first 3 program years to which the amendments made by the Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1990 apply compared to the program year preceding such years;
- (ii) the number of such students who enroll in vocational education programs for the first time during the period of study;
- (iii) the number of such students who participate in vocational education programs that lead to an occupational skill or job placement;
- (iv) the extent to which academics are incorporated with vocational education courses;
- (v) the manner in which vocational education programs have addressed special needs of such students for supportive services, material, and equipment;
- (vi) the comparability of vocational education services provided to such students with vocational education services provided to students who are not members of special populations; and

(vii) in the case of students with handicaps—

(I) the types and severity of handicaps of such students who enroll in vocational education programs;

(II) the extent to which such students participate in the same vocational education programs as students who do not have handicaps;

(III) the number of such students with individualized education programs developed under section 614(a)(5) of the Education of the Handicapped Act who have individualized education programs that include vocational education programs;

(IV) the extent to which special personnel such as special education personnel or vocational rehabilitation personnel assist in the selection and provisions of vocational education programs with respect to such students;

(V) the extent to which such students and their parents are involved in selecting vocational education courses and programs;

(VI) the number of such students who have returned to secondary vocational education programs after dropping out of or formally exiting the local educational system; and

(VII) the ages of such students.

(C) In conducting the study required by this subsection, the General Accounting Office may consider and include information from other sources to address or augment the issues considered in the study.

(4) The General Accounting Office shall submit to the appropriate committees of the Congress a report describing the results of the study conducted as required by this subsection not later than July 1, 1995.

(b) **INFORMATION RELATING TO STUDENTS WHO HAVE COMPLETED SECONDARY SCHOOL.—**

(1) To carry out the provisions of this section, in accordance with the provisions of section 3 of the Technology Assessment Act of 1972, the Office of Technology Assessment shall conduct an assessment of a sample of tests designed to be administered to students who have completed secondary school to assess the level of technical knowledge relating to broad technical fields possessed by such students. The assessment shall include at least—

(A) an assessment of the quality, validity, reliability, and predictive capability of widely used vocational aptitude and competency tests and assessments, with particular attention to—

(i) the use of such assessments with respect to students who are members of special populations; and

(ii) patterns of actual usage with respect to entry into vocational education programs, promotion within such programs, completion of such programs, and placement in appropriate positions;

(B) identification of trends in such tests and assessments, including any relationship to vocational education curricula; and

(C) identification of policy options for—

(i) strengthening development and quality of such tests and assessments to ensure that such tests and assessments are conducted in an impartial manner that does not penalize students on the basis of race, sex, or economic background; and

(ii) means of sustaining competition in the development of such tests and assessments.

(2) The results of the study required by paragraph (1) shall be reported to the appropriate committees of the Congress not later than September 30, 1994.

SEC. 424. MISCELLANEOUS PROVISIONS.

(a) **COLLECTION OF INFORMATION AT REASONABLE COST.**—The Secretary shall take such action as may be necessary to secure at reasonable cost the information required by this part. To ensure reasonable cost, the Secretary, in consultation with the Vocational Education Task Force, the National Center for Education Statistics, the Office of Vocational and Adult Education, and the National Occupational Information Coordinating Committee shall determine the methodology to be used and the frequency with which information is to be collected.

(b) **COOPERATION OF STATES.**—All States receiving assistance under this Act shall cooperate with the Secretary in implementing the information systems developed pursuant to this part.

Part D—NATIONAL COUNCIL ON VOCATIONAL EDUCATION.

Part D of title IV of the Act is repealed effective October 1, 1991.

Part E—BILINGUAL VOCATIONAL TRAINING.

SEC. 441. PROGRAM AUTHORIZED.

(a)(1) From the sums made available to carry out this section in each fiscal year under section 3(d), the Secretary is authorized to make grants to and to enter into contracts with appropriate State agencies, local educational agencies, postsecondary educational institutions, private nonprofit vocational training institutions, and other nonprofit organizations specially created to serve individuals who normally use a language other than English, for bilingual vocational education and training for individuals with limited English proficiency to prepare such individuals for jobs in recognized occupations and new and emerging occupations. Such training shall include instruction in the English language to ensure that participants in such training will be equipped to pursue such occupations in an English language environment. The Secretary may also enter into contracts with private for-profit agencies and organizations for bilingual vocational education and training programs.

(2) Grants and contracts under this subsection may be used for—

(A) bilingual vocational training programs for individuals who have completed or left elementary or secondary school and who are available for education in a postsecondary educational institution;

(B) bilingual vocational education and training programs for individuals who have already entered the labor market and who desire or need training or retraining to achieve year-round employment, adjust to changing manpower needs, expand their range of skills, or advance in employment; and

(C) training allowances for participants in bilingual vocational training programs.

(b)(1) From the sums made available to carry out this section, the Secretary is authorized to make grants to and to enter into contracts with State agencies and public and private nonprofit educational institutions and to enter into contracts with private for-profit educational institutions to assist such entities in conducting training for instructors of bilingual vocational education and training programs.

(2) Grants and contracts under this subsection may be used for—

(A) preservice and inservice training for instructors, aides, counselors, or other ancillary personnel participating or preparing to participate in bilingual vocational training programs; and

(B) fellowships and traineeships for individuals participating in preservice or inservice training.

(3) The Secretary may not make a grant or enter into a contract under this subsection unless the Secretary determines that the applicant has an ongoing vocational training program in the field in which participants will be trained and can provide instructors with adequate language capabilities in the language other than English to be used in the program.

(c)(1) From the sums made available to carry out this section, the Secretary is authorized to make grants to and to enter into contracts with State agencies, educational institutions, and appropriate nonprofit organizations, and to enter into contracts with private for-profit organizations and individuals, to assist in the development of instructional and curriculum materials, methods, or techniques for bilingual vocational training.

(2) Grants and contracts under this section may be used for—

(A) research in bilingual vocational training;

(B) training programs to familiarize State agencies and training institutions with research findings and with successful pilot and demonstration projects in bilingual vocational education and training; and

(C) experimental, developmental, pilot, and demonstration projects.

(d)(1) Any eligible entity which desires to receive a grant from the Secretary under subsection (a), (b), or (c) shall submit an application to the Secretary in such form, at such times, and accompanied by such information as the Secretary may require. Such application shall provide that the activities and services for which assistance is sought will be administered by or under the supervision of the applicant.

(2) An application pursuant to subsection (a) shall

(A) set forth a program of such size, scope, and design as will make a substantial contribution toward carrying out the purposes of this section, and

(B) be submitted to the State board or agency under section 111 for review and comment. Any such comments shall be included for submission to the Secretary.

(3) An application pursuant to subsection (c) shall set forth the qualifications of staff responsible for any such program.

(4) An application pursuant to subsection (b) shall—

(A) describe the capabilities of the applicant (including vocational training or education courses offered by the applicant, accreditation, and any certification of courses by appropriate State agencies);

(B) describe the qualifications of principal staff responsible for any program under subsection (b); and

(C) describe minimum qualifications for individuals participating or to participate in any program, describe the selection process for such individuals, and the projected amount of the fellowships or traineeships, if any.

(5) Prior to making grants or contracts under subsection (a) or (b) the Secretary shall consult with the State board under section 111 to ensure an equitable distribution of assistance among populations of individuals with limited English proficiency within the State.

(6) The Secretary may approve an application for assistance under this section only if the application meets the requirements set forth under this section. An amendment to an application shall, except as the Secretary may otherwise provide, be subject to approval in the same manner as the initial application.

(e)(1) The Secretary shall administer programs under this section in consultation with the Secretary of Labor.

(2) Programs of bilingual vocational education and training under this section in the Commonwealth of Puerto Rico may provide for the needs of students of limited Spanish proficiency.

(3) The Secretary of Education, in consultation with the Secretary of Labor, shall gather and disseminate information concerning the status of bilingual vocational education in all geographic regions and shall evaluate the impact of bilingual vocational education on occupational shortages of skilled workers, the unemployment or underemployment of individuals with limited English proficiency, and the ability of such individuals to acquire sufficient job skills and English language skills to fully contribute to the economy. The Secretary of Education and the Secretary of Labor shall annually report their findings to the President and the Congress.

(f)(1) For each fiscal year, not less that 75 per centum of sums appropriated for the purposes of this section shall be available only for grants and contracts under subsection (a).

(2) For each fiscal year, not less than 15 per centum of sums appropriated for the purposes of this section shall be available only for grants and contracts under subsection (b).

(3) For each fiscal year, not less than 10 per centum of sums appropriated for the purposes of this section shall be available only for grants and contracts under subsection (c).

Part F.—GENERAL PROVISIONS.

SEC. 451. DISTRIBUTION OF ASSISTANCE.

(a) **IN GENERAL.**—Subject to the provisions of subsection (b) and section 504, of the amounts available pursuant to section 3(e)(1) for any fiscal year for this title—

(1) 30 percent shall be available for part A, relating to research and development, of which 90 percent shall be available for section 404, relating to the National Center or Centers;

(2) 30 percent shall be available for part B, relating to demonstration programs; and

(3) 40 percent shall be available for part C, relating to vocational education and occupational information data systems, of which not less than—

(A) 22 percent of the total amount appropriated pursuant to the authority of section 3(e) shall be available to carry out section 422, relating to the National Occupational Information Coordinating Committee;

(B) 8 percent shall be available to carry out the provisions of section 421, relating to data systems; and

(C) 10 percent shall be available to carry out the provisions of section 402(c), relating to the National Network for Curriculum Coordination.

(b) **HOLD HARMLESS.**—Notwithstanding the provisions of subsection (a), the amounts available to carry out the activities described in subsection (a)(1) and in subsections (a)(3)(A) and (a)(3)(C) shall be at least equal to the amounts made available for such activities in the fiscal year 1990.

TITLE V—GENERAL PROVISIONS

Part A—Federal Administrative Provisions.

SEC. 501. PAYMENTS.

(a) The Secretary shall pay from its allotment under section 101 to each State for any fiscal year for which the State has a State plan approved in accordance with section 114 (including any amendment to such plan) the Federal share of the costs of carrying out the State plan.

(b) The Secretary shall pay to each State council of a State which has a State plan approved in accordance with section 114, from its allotment under section 112(f), an amount equal to the reasonable amounts expended by the State council in carrying out its functions under this Act in such fiscal year.

SEC. 502. MAINTENANCE OF EFFORT.

(a) No payments shall be made under this Act for any fiscal year to a State unless the Secretary determines that the fiscal effort per student or the aggregate expenditures of such State for vocational educational for the fiscal year preceding the fiscal year for which the determination is made, equaled or exceeded such effort or expenditures for vocational education for the second preceding fiscal year.

(b) The Secretary may waive the requirements of this section (with respect to not more than 5 percent of expenditures by any State educational agency) for one fiscal year only, upon making a determination that such waiver would be equitable due to exceptional or uncontrollable circumstances affecting the ability of the applicant to meet such requirements, such as a natural disaster or an unforeseen and precipitous decline in financial resources. No level of funding permitted under such a waiver may be used as the basis for computing the fiscal effort required under this section for years subsequent to the year covered by such waiver; such fiscal effort shall be computed on the basis of the level of funding which would, but for such waiver, have been required.

SEC. 503. AUTHORITY TO MAKE PAYMENTS.

Any authority to make payments or to enter into contracts under this Act shall be available only to such extent or in such amounts as are provided in advance appropriation Acts.

SEC. 504. REGIONAL MEETINGS AND NEGOTIATED RULEMAKING.

(a) **IN GENERAL.—**

(1) The Secretary shall convene regional meetings to obtain public involvement in the development of proposed regulations under the Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1990. Such meetings shall include individuals and representatives of groups involved in vocational education programs under this Act, such as Federal, State, tribal and local administrators, parents, teachers, members of local boards of education and special populations.

(2) During each meeting described in paragraph (1), the Secretary shall provide for a comprehensive discussion and exchange of information on at least 4 key issues, selected by the Secretary, concerning implementation of the Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1990. The Secretary shall take into account information received at such meetings in the development of proposed regulations, and shall publish a summary of such information in the Federal Register together with such proposed regulations.

(b) **DRAFT REGULATIONS.**—After holding regional meetings and before publishing proposed regulations in the Federal Register, the Secretary shall prepare draft regulations under this Act and submit regulations on at least 2 key issues to a negotiated rulemaking process. The Secretary shall follow the guidance provided in the Administrative Conference of the United States in Recommendation 82-4 and 85-5, 'Procedures for Negotiating Proposed Regulations' (1 C.F.R. 305.82-4 and 85-5) and any successor recommendation, regulation or law. Participants in the negotiation process shall be chosen by the Secretary from among participants in the regional meetings, representing the groups described in subsection (a)(1) and all geographic regions. At least 10 participants, 1 from each of the regions served by a regional office established pursuant to section 416 of the Department of Education Organization Act, representing the groups described in subsection (a)(1), shall be chosen under the preceding sentence. The negotiation process shall be conducted in a timely manner in order that final regulations may be issued by the Secretary within the 240-day period required by section 431(g) of the General Education Provisions Act.

(c) **SPECIAL RULE.**—If a regulation must be issued within a very limited time period to assist States and eligible recipients with the operation of a program under this Act, the Secretary may issue a regulation without fulfilling the requirements of subsections (a) and (b), but shall immediately convene regional meetings to review the regulation before such regulation is issued in final form.

(d) **APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.**—The Federal Advisory Committee Act shall not apply to activities carried out under this section.

(e) **RESERVATION OF AMOUNTS.**—For the fiscal year 1991, the Secretary may reserve for purposes of carrying out subsection (b) not more than $300,000 from amounts made available under section 3(e).

SEC. 505. REQUIREMENTS RELATING TO REPORTS, PLANS, AND REGULATIONS.

The General Accounting Office shall, upon the request of any Member of the Congress—

(1) investigate the circumstances of any failure by the Secretary to submit any report or research finding or issue any regulation required by this Act by the time specified in the provision of this Act requiring the submission of such report or research finding or issuance of such regulation; and

(2) submit to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report containing the results of any investigation conducted pursuant to paragraph (1), including an identification of the cause of delay and of the office or offices of the Department of Education or of the Office of Management and Budget responsible for the delay.

SEC. 506. FEDERAL LAWS GUARANTEEING CIVIL RIGHTS.

Nothing in this Act shall be construed to be inconsistent with appropriate Federal laws guaranteeing civil rights.

SEC. 507. STUDENT ASSISTANCE AND OTHER FEDERAL PROGRAMS.

(a) **ATTENDANCE COSTS NOT TREATED AS INCOME OR RESOURCES.**—The portion of any student financial assistance received under this Act that is made available for attendance costs described in subsection (b) shall not be considered as income or resources in determining eligibility for assistance under any other program funded in whole or in part with Federal funds.

(b) **ATTENDANCE COSTS.**—The attendance costs described in this subsection are—

(1) tuition and fees normally assessed a student carrying out the same academic workload as determined by the institution, and including costs for rental or purchase of any equipment, materials, or supplies required of all students in the same course of study; and

(2) an allowance for books, supplies, transportation, dependent care, and miscellaneous personal expenses for a student attending the institution on at least a half-time basis, as determined by the institution.

SEC. 508. FEDERAL MONITORING.

The Secretary shall make every effort to provide adequate monitoring of compliance by recipients of assistance under this Act with the provisions of this Act. Such monitoring activities shall be developed by the Secretary in consultation with parents, students, and advocacy organizations, and shall—

(1) consider items such as whether the provisions of the State plan are being fully implemented;

(2) consider items such as whether the State board's monitoring of local recipients of assistance under this Act is adequate to assure full compliance with the provisions of this Act by such recipients;

(3) consider items such as whether the State-level coordinators for individuals who are members of special populations are able to review the local plans for serving such individuals;

(4) consider items such as whether the other State responsibilities under this Act are being implemented; and

(5) provide for input from students, parents, teachers, and special populations in the States.

Part B—State Administrative Provisions.

SEC. 511. JOINT FUNDING.

(a) **GENERAL AUTHORITY.**—Funds made available to States under this Act may be used to provide additional funds under an applicable program if—

(1) such program otherwise meets the requirements of this Act and the requirements of the applicable program;

(2) such program serves the same individuals that are served under this Act;

(3) such program provides services in a coordinated manner with services provided under this Act; and

(4) such funds would be used to supplement, and not supplant, funds provided from non-Federal sources.

(b) **APPLICABLE PROGRAMS.**—For the purposes of this section, the term 'applicable program' means any program under any of the following provisions of law:

(1) Section 123, title II, and title III of the Job Training Partnership Act.

(2) The Wagner-Peyser Act.

(c) **ISSUANCE OF REGULATIONS.**—Notwithstanding the provisions of section 504, the Secretary shall develop regulations to be issued under this section in consultation with the Secretary of Labor.

(d) **USE OF FUNDS AS MATCHING FUNDS.**—For the purposes of this section, the term 'additional funds' includes the use of funds as matching funds.

SEC. 512. REVIEW OF REGULATIONS.

(a) **ESTABLISHMENT OF REVIEW COMMITTEE.**—Except as provided in subsection (b), before any

State published any proposed or final State rule or regulation pursuant to this Act, the State shall establish and convene a State Committee of Practitioners (in this section referred to as the 'Committee') for the purpose of reviewing such rule or regulation. The Committee shall be selected from nominees solicited from State organizations representing school administrators, teachers, parents, members of local boards of education, and appropriate representatives of institutions of higher education. The Committee shall consist of—

(1) representatives of local educational agencies, who shall constitute a majority of the members of the Committee;
(2) school administrators;
(3) teachers;
(4) parents;
(5) members of local boards of education;
(6) representatives of institutions of higher education; and
(7) students.

(b) **LIMITED EXCEPTION.**—In an emergency, where a regulation must be issued within a very limited time period to assist eligible recipients with the operation of a program, the State may issue a regulation without fulfilling the requirements of subsection (a), but shall immediately convene the Committee to review the regulation before it is issued in final form.

SEC. 513. IDENTIFICATION OF STATE-IMPOSED REQUIREMENTS.

Any State rule or policy imposed on the administration or operation of programs funded by this Act, including any rule or policy based on State interpretation of any Federal law, regulation, or guideline, shall be identified as a State imposed requirement.

SEC. 514. PROHIBITION ON USE OF FUNDS TO INDUCE OUT-OF-STATE RELOCATION OF BUSINESSES.

No funds provided under this Act shall be used for the purpose of directly providing incentives or inducements to an employer to relocate a business enterprise from 1 State to another State if such relocation would result in a reduction in the number of jobs available in the State where the business enterprise is located before such incentives or inducements are offered.

SEC. 515. STATE ADMINISTRATIVE COSTS.

For each fiscal year for which a State receives assistance under this Act, the State shall provide from non-Federal sources for costs the State incurs for administration of programs under this Act an amount that is not less than the amount provided by the State from non-Federal sources for such costs for the preceding fiscal year.

SEC. 516. ADDITIONAL ADMINSTRATIVE PROVISIONS.

(a) **IN GENERAL.**—

(1)(A) Funds made available under title II shall be used to supplement, and to the extent practicable increase the amount of State and local funds that would in the absence of such Federal funds be made available for the uses specified in the application, and in no case supplant such State or local funds.

(B) Notwithstanding subparagraph (A), funds made available under title II may be used to pay for the costs of vocational education services required in an individualized education plan developed pursuant to sections 612(4) and 614(a)(5) of the Education of the Handicapped Act, in a manner consistent with section 614(a)(1) of such Act, and services necessary to meet the requirements of section 504 of the Rehabilitation Act of 1973 with respect to ensuring equal access to vocational education.

(2) No State shall take into consideration payments under this Act in determining, for any educational agency or institution in that State, the eligibility for State aid, or the amount of State aid, with respect to public education within the State.

(b) **LIMITATION.**—Any project assisted with funds made available under title II shall be of sufficient size, scope, and quality to give reasonable promise of meeting the vocational education needs of the students involved in the project.

(c) **PERMISSIBLE SERVICES AND ACTIVITIES.**—

(1) Vocational education services and activities authorized in title II may include work-site programs such as cooperative vocational education, programs with community-based organizations, work-study, and apprenticeship programs.

(2) Vocational education services and activities described in title II may include placement services for students who have successfully completed vocational education programs.

(3) Vocational education services and activities described in title II may include programs which involve students in addressing the needs of the community in the production of goods or services which contribute to the community's welfare or which involve the students with other community development planning, institutions, and enterprises.

(d) **ACADEMIC CREDIT.**—Each State board receiving financial assistance under title II may consider granting academic credit for vocational education courses which integrate core academic competencies.

Part C—Definitions.

SEC. 521. DEFINITIONS.

As used in this Act:

(1) The term 'administration' means activities of a State necessary for the proper and efficient performance of its duties under this Act, including supervision, but does not include curriculum development activities, personnel development, or research activities.

(2) The term 'all aspects of the industry' means strong experience in, and understanding of, all aspects of the industry the students are preparing to enter, including planning, management, finances, technical and production skills, underlying principles of technology, labor issues, and health and safety.

(3) The term 'apprenticeship training program' means a program registered with the Department of Labor or the State apprenticeship agency in accordance with the Act of August 16, 1937, commonly known as the National Apprenticeship Act, which is conducted or sponsored by an employer, a group of employers, or a joint apprenticeship committee representing both employers and a union, and which contains all terms and conditions for the qualification, recruitment, selection, employment, and training of apprentices.

(4) The term 'area vocational education school' means—

(A) a specialized high school used exclusively or principally for the provision of vocational education to individuals who are available for study in preparation for entering the labor market;

(B) the department of a high school exclusively or principally used for providing vocational education in not less than 5 different occupational fields to individuals who are available for study in preparation for entering the labor market;

(C) a technical institute or vocational school used exclusively or principally for the provision of vocational education to individuals who have completed or left high school and who are available for study in preparation for entering the labor market; or

(D) the department or division of a junior college, community college or university operating under the policies of the State board and which provides vocational education in not less than 5 different occupational fields leading to immediate employment but not necessarily leading to a baccalaureate degree, if, in the case of a school, department, or division described in subparagraph (C) or this subparagraph, it admits as regular students both individuals who have completed high school and individuals who have left high school.

(5) The term 'career guidance and counseling' means programs—

(A) which pertain to the body of subject matter and related techniques and methods organized for the development in individuals of career awareness, career planning, career decisionmaking, placement skills, and knowledge and understanding of local, State, and national occupational, educational, and labor market needs, trends, and opportunities; and

(B) which assist such individuals in making and implementing informed educational and occupational choices.

(6) The term 'community-based organization' means any such organization of demonstrated effectiveness described in section 4(5) of the Job Training Partnership Act.

(7) The term 'construction' includes construction of new buildings and acquisition, and expansion, remodeling, and alteration of existing buildings, and includes site grading and improvement and architect fees.

(8) The term 'cooperative education' means a method of instruction of vocational education for individuals who, through written cooperative arrangements between the school and employers, receive instruction, including required academic courses and related vocational instruction by alternation of study in school with a job in any occupational field. Such alternation shall be planned and supervised by the school and employers so that each contributes to the student's education and to his or her employability. Work periods and school attendance may be on alternate half days, full days, weeks, or other periods of time in fulfilling the cooperative program.

(9) The term 'criminal offender' means any individual who is charged with or convicted of any criminal offense, including a youth offender or a juvenile offender.

(10) The term 'correctional institution' means any

(A) prison,

(B) jail,

(C) reformatory,

(D) work farm,

(E) detention center, or

(F) halfway house, community-based rehabilitation center, or any other similar institution designed for the confinement or rehabilitation of criminal offenders.

(11) The term 'Council' means the National Council on Vocational Education.

(12) The term 'curriculum materials' means instructional and related or supportive material, including

materials using advanced learning technology, in any occupational field which is designed to strengthen the academic foundation and prepare individuals for employment at the entry level or to upgrade occupational competencies of those previously or presently employed in any occupational field, and appropriate counseling and guidance material.

(13) The term 'disadvantaged' means individuals (other than individuals with handicaps) who have economic or academic disadvantages and who require special services and assistance in order to enable such individuals to succeed in vocational education programs. Such term includes individuals who are members of economically disadvantaged families, migrants, individuals of limited English proficiency and individuals who are dropouts from, or who are identified as potential dropouts from, secondary school.

(14) The term 'displaced homemaker' means an individual who—

(A) is an adult; and

(B) (i) has worked as an adult primarily without remuneration to care for the home and family, and for that reason has diminished marketable skills;

(ii) has been dependent on public assistance or on the income of a relative but is no longer supported by such income;

(iii) is a parent whose youngest dependent child will become ineligible to receive assistance under the program for aid to families with dependent children under part A of title IV of the Social Security Act within 2 years of the parent's application for assistance under this Act; or

(iv) is unemployed or underemployed and is experiencing difficulty in obtaining any employment or suitable employment, as appropriate, or

(C) is described in subparagraph (A) or (B) and is a criminal offender. The Secretary may not prescribe the manner in which the States will comply with the application of the definition contained in this paragraph.

(15) The term 'economically disadvantaged family or individual' means such families or individuals who are determined by the Secretary to be low-income according to the latest available data from the Department of Commerce.

(16) Except as otherwise provided, the term 'eligible recipient' means a local educational agency, an area vocational education school, an intermediate educational agency, a postsecondary educational institution, a State corrections educational agency, or an eligible institution (as such term is defined in section 232(d)(1)).

(17) The term 'general occupational skills' means experience in and understanding of all aspects of the industry the student is preparing to enter, including planning, management, finances, technical and production skills, underlying principles of technology, labor and community issues, and health, safety, and environmental issues.

(18) The term 'high technology' means state-of-the-art computer, microelectronic, hydraulic, pneumatic, laser, nuclear, chemical, telecommunication, and other technologies being used to enhance productivity in manufacturing, communication, transportation, agriculture, mining, energy, commercial, and similar economic activity, and to improve the provision of health care.

(19) The term 'individual with handicaps' means any individual who is an individual with any disability (as defined in section 3(2) of the Americans With Disabilities Act of 1990).

(20) The term 'intermediate educational agency' means a combination of school districts or counties (as defined in section 1471(5) of the Elementary and Secondary Education Act of 1965) as are recognized in a State as an administrative agency for such State's vocational or technical education schools or for vocational programs within its public elementary or secondary schools. Such term includes any other public institution or agency having administrative control and direction over a public elementary or secondary school.

(21) The term 'limited English proficiency' has the meaning given such term in section 703(a)(1) of the Elementary and Secondary Education Act of 1965.

(22) The term 'local educational agency' means a board of education or other legally constituted local school authority having administrative control and direction of public elementary or secondary schools in a city, county, township, school district, or political subdivision in a State, or any other public educational institution or agency having administrative control and direction of a vocational education program. For the purposes of sections 114, 115, 116, 117, and 240, such term shall include a State corrections educational agency.

(23) The term 'postsecondary educational institution' means an institution legally authorized to provide postsecondary education within a State, a Bureau of Indian Affairs controlled postsecondary institution, or any postsecondary educational institution operated by or on behalf of any Indian tribe which is eligible to contract with the Secretary of the Interior for the administration of programs under the Indian Self-Determination Act or under the Act of April 16, 1934.

(24) The term 'preparatory services' means services, programs, or activities designed to assist individuals who are not enrolled in vocational education programs in the selection of, or

preparation for participation in, an appropriate vocational education or training program, such as—

(A) services, programs, or activities related to outreach to or recruitment of potential vocational education students;

(B) career counseling and personal counseling;

(C) vocational assessment and testing; and

(D) other appropriate services, programs, or activities;

(25) The term 'private vocational training institution' means a business or trade school, or technical institution or other technical or vocational school, in any State, which—

(A) admits as regular students only persons who have completed or left elementary or secondary school and who have the ability to benefit from the training offered by such institution;

(B) is legally authorized to provide, and provides within that State, a program of postsecondary vocational or technical education designed to fit individuals for useful employment in recognized occupations;

(C) has been in existence for 2 years or has been specially accredited by the Secretary as an institution meeting the other requirements of this subsection; and

(D) is accredited—

(i) by a nationally recognized accrediting agency or association listed by the Secretary pursuant to this clause;

(ii) if the Secretary determines that there is no nationally recognized accrediting agency or association qualified to accredit schools of a particular category, by a State agency listed by the Secretary pursuant to this clause; or

(iii) if the Secretary determines that there is no nationally recognized or State agency or association qualified to accredit schools of a particular category, by an advisory committee appointed by the Secretary and composed of persons specially qualified to evaluate training provided by schools of that category, which committee shall prescribe the standards of content, scope, and quality which must be met by those schools and shall also determine whether particular schools meet those standards. For the purpose of this paragraph, the Secretary shall publish a list of nationally recognized accrediting agencies or associations and State agencies which the Secretary determines to be reliable authority as to the quality of education or training afforded.

(26) The term 'school facilities' means classrooms and related facilities (including initial equipment) and interests in lands on which such facilities are constructed. Such term shall not include any

facility intended primarily for events for which admission is to be charged to the general public.

(27) The term 'Secretary' means the Secretary of Education.

(28) The term 'small business' means for-profit enterprises employing 500 or fewer employees.

(29) The term 'sequential course of study' means an integrated series of courses which are directly related to the educational and occupational skills preparation of individuals for jobs, or preparation for postsecondary education.

(30) The term 'single parent' means an individual who—

(A) is unmarried or legally separated from a spouse; and

(B) (i) has a minor child or children for which the parent has either custody or joint custody; or

(ii) is pregnant.

(31) The term 'special populations' includes individuals with handicaps, educationally and economically disadvantaged individuals (including foster children), individuals of limited English proficiency, individuals who participate in programs designed to eliminate sex bias, and individuals in correctional institutions.

(32) The term 'specific job training' means training and education for skills required by the employer that provides the individual student with the ability to obtain employment and to adapt to the changing demands of the workplace.

(33) The term 'State' includes, in addition to the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and Palau (until the Compact of Free Association with Palau takes effect pursuant to section 101(a) of Public Law 99-658).

(34) The term 'State board' means a State board designated or created by State law as the sole State agency responsible for the administration of vocational education, or for supervision of the administration of vocational education in the State.

(35) The term 'State corrections educational agency' means the State agency or agencies responsible for carrying out corrections education programs in the State.

(36) The term 'State council' means the State council on vocational education established in accordance with section 112.

(37) The term 'State educational agency' means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary or secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

(38) The term 'supplementary services' means curriculum modification, equipment modification, classroom modification, supportive personnel, and instructional aids and devices.

(39) The term 'technology education' means an applied discipline designed to promote technological literacy which provides knowledge and understanding of the impacts of technology including its organizations, techniques, tools and skills to solve practical problems and extend human capabilities in areas such as construction, manufacturing, communication, transportation, power and energy.

(40) The term 'tribally controlled community college' means an institution which receives assistance under the Tribally Controlled Community College Assistance Act of 1976 or the Navajo Community College Act.

(41) The term 'vocational education' means organized educational programs offering a sequence of courses which are directly related to the preparation of individuals in paid or unpaid employment in current or emerging occupations requiring other than a baccalaureate or advanced degree. Such programs shall include competency-based applied learning which contributes to an individual's academic knowledge, higher-order reasoning, and problem-solving skills, work attitudes, general employability skills, and the occupational-specific skills necessary for economic independence as a productive and contributing member of society. Such term also includes applied technology education.

(42) The term 'vocational student organizations' means those organizations for individuals enrolled in vocational education programs which engage in activities as an integral part of the instructional program. Such organizations may have State and national units which aggregate the work and purposes of instruction in vocational education at the local level.

TITLE VI

MISCELLANEOUS

The amendments to Title VI are in Appendix A. Since this title amends statutes other than the Perkins Act, it has not been integrated with the relevant legislative acts. The title does not affect the implementation of most vocational education programs. However, since the amendments contain important information for certain administrators and planners, it has been included as a part of this document.

TITLE VII—EFFECTIVE DATE

SEC. 701. TRANSITION PROVISION.

Upon the enactment of the Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1990, each State and eligible recipient of Federal financial assistance under a State plan submitted pursuant to section 113 of the Carl D. Perkins Vocational Education Act may expend funds currently available under the Carl D. Perkins Vocational Education Act to—

(1) conduct planning for any program or activity authorized under the Carl D. Perkins Vocational and Applied Technology Education Act, including the development of a State plan under section 113 of such Act;

(2) develop State and local standards and measures as required by section 115 of the Carl D. Perkins Vocational and Applied Technology Education Act; and

(3) conduct assessments as required by section 116 of the Carl D. Perkins Vocational and Applied Technology Education Act.

SEC. 702. EFFECTIVE DATE.

(a) **IN GENERAL.**—Except as provided in subsection (b), the amendments made by this Act shall take effect on July 1, 1991.

(b) **SPECIAL RULE.**—Sections 3, 115, 116, 504, and 512 and part H of title III of the Carl D. Perkins Vocational and Applied Technology Education Act (as amended by this Act) shall take effect upon the enactment of this Act.

APPENDIX A

The following are the amendments to Title VI. Since this title addresses statutes other than the Perkins Act, and does not affect the implementation of most vocational education programs, it was not included in the integration section. However, this information will be important to certain administrators and planners. Therefore, we include the text of the amendments here. They have not been integrated with the relevant legislative acts.

TITLE VI—MISCELLANEOUS

PART A—Correctional Education.

SEC. 601. SHORT TITLE.

This title may be cited as the "Office of Correctional Education Act of 1990."

SEC. 602. CORRECTIONAL EDUCATION.

(a) **IN GENERAL.**—Title II of the Department of Education Organization Act is amended by—

(1) repealing section 213;

(2) redesignating section 214 as section 215; and

(3) inserting the following new section 214 after section 212:

SEC. 214. OFFICE OF CORRECTIONAL EDUCATION.

(a) **FINDINGS.**—The Congress finds and declares that—

(1) education is important to, and makes a significant contribution to, the readjustment of incarcerated individuals to society; and

(2) there is a growing need for immediate action by the Federal Government to assist State and local educational programs for criminal offenders in correctional institutions.

(b) **STATEMENT OF PURPOSE.**—It is the purpose of this title to encourage and support educational programs for criminal offenders in correctional institutions.

(c) **ESTABLISHMENT OF OFFICE.**—The Secretary of Education shall establish within the Department of Education an Office of Correctional Education.

(d) **FUNCTIONS OF OFFICE.**—The Secretary, through the Office of Correctional Education established under subsection (a) of this section, shall—

(1) coordinate all correctional education programs within the Department of Education;

(2) provide technical support to State and local educational agencies and schools funded by the Bureau of Indian Affairs on correctional education programs and curricula;

(3) provide an annual report to the Congress on the progress of the Office of Correctional Education and the status of correctional education in the United States;

(4) cooperate with other Federal agencies carrying out correctional education programs to ensure coordination of such programs;

(5) consult with, and provide outreach to, State directors of correctional education and correctional

educators; and

(6) collect from States a sample of information on the number of individuals who complete a vocational education sequence, earn a high school degree or general equivalency diploma, or earn a postsecondary degree while incarcerated and the correlation with job placement, job retention, and recidivism.

(e) **DEFINITIONS.**—As used in this section—

(1) the term 'criminal offender' means any individual who is charged with or convicted of any criminal offense, including a youth offender or a juvenile offender;

(2) the term 'correctional institution' means any—

(A) prison,

(B) jail,

(C) reformatory,

(D) work farm,

(E) detention center, or

(F) halfway house, community-based rehabilitation center, or any other similar institution designed for the confinement or rehabilitation of criminal offenders; and

(3) the term 'State educational agency' means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

(b) **CLERICAL AMENDMENTS.**—The table of contents contained in section 1 of the Department of Education Organization Act is amended by striking the items relating to sections 213 and 214 and inserting the following:

SEC. 214. Office of Correctional Education.

SEC. 215. Federal Interagency Committee on Education.

PART B—Miscellaneous Provisions.

SEC. 611. STUDY OF THE DUAL SYSTEM OF VOCATIONAL EDUCATION IN THE FEDERAL REPUBLIC OF GERMANY.

(a) **GENERAL AUTHORITY.**—The General Accounting Office (in this section referred to as the 'Office') shall conduct a thorough study of the Dual System of Vocational Education in the Federal Republic of

Germany, including an analysis of the desirability, advantages, and disadvantages of establishing a nationwide job apprenticeship program in the United States similar to the Dual System of Vocational Education in the Federal Republic of Germany.

(b) **CONTENTS.**—In studying the West German Dual System of Vocational Education, the Office shall assess—

(1) the ability of such a system to prepare workers for the technical workplace;

(2) the level of academic skills an apprentice in the Dual System acquires;

(3) the effectiveness of combining on-the-job training with classroom instruction;

(4) the participation in apprenticeships by gender and minority status;

(5) the dropout rate of West German students;

(6) the construction and oversight of skill certification tests;

(7) the unemployment rate and relative wage levels of former participants;

(8) the labor mobility of apprentices;

(9) whether such a system has helped West Germany maintain a competitive workforce and a competitive edge in the world economy;

(10) the value and productivity of apprentices to business; and

(11) the direct and indirect costs and benefits to the country, industry, company, and individual that result from the Dual System of Vocational Education.

(c) **FACTORS TO BE CONSIDERED.**—In assessing the ability of a similar program to be replicated in the United States, the Office shall evaluate such factors as—

(1) existing job apprenticeship programs and their ability to prepare workers for the technical workplace;

(2) the future need for skilled workers and the extent to which job apprenticeship programs could meet such future workforce needs;

(3) the appropriate age or grade level for students to enter job apprenticeship programs (such as secondary students, postsecondary students, or both);

(4) the potential for such programs to reduce the dropout rate, place more qualified workers in the workplace, provide continuing education, including postsecondary opportunities, and increase the lifetime earnings of those who participate in such a job apprenticeship program;

(5) the issues in obtaining labor and management utilization of skills, certification for employee recruitment, promotion, and other purposes, and issues in creating and improving such certification to reliably and validly reflect the changing structure of work in the skills certified;

(6) the training wage appropriate for an apprentice;

(7) the estimated value and productivity of apprentices to business;

(8) the Federal, State, employer, and labor roles in regulating and funding such a program;

(9) the direct and indirect costs and benefits of such a program to the Federal and State governments, industry, the company and the individual; and

(10) the quality and adequacy of Federal and State data on training, including apprenticeships, directly or indirectly provided by employers, including data on the level and distribution of training by industry, firm size, and of labor and management employees.

(d) **DEADLINE FOR STUDY.**—The study required by subsection (a), together with comments and recommendations, shall be completed and presented to Congress not later than the expiration of the 1-year period beginning on the date of enactment of this Act.

SEC. 612. HIGHER EDUCATION ACT.

Section 621 of the Higher Education Act of 1965 is repealed.

APPENDIX B

August 16, 1990

Jack Jennings
Majority Counsel
House Education and Labor Subcommittee
Rayburn House Office Building
B-346C
U.S. House of Representatives
Washington, DC 20515

RE: Technical Corrections to H.R. 7

Dear Jack:

During the course of our analysis of H.R. 7, as reported in the Congressional Record on August 2, 1990, we identified some technical errors relating to statutory citations in the language of the 1984 legislation which are retained in the amended law. Specifically, section 307 of the 1990 Amendments retains some of the 1984 provisions in Title III, Part D - Business-Labor-Education Partnership for Training. Yet the following citations in the 1984 legislation are now inaccurate:

1)Section 332 (c) (1) (formerly section 342 (c) (1)) references section (b) (3). The correct citation now is section (b) (5).

2)Section 332 (c) (3) (formerly section 342 (c) (3)) also references section (b) (3); it should be (b) (5).

3)Section 332 (c) (3) also authorizes the State to use funds from Part B of Title II. We believe it should be Parts A and C of Title II. Part A of Title II contains the State programs and State leadership and Part C contains the authority for local programs.

4)Section 333 (a) (formerly section 343 (a)) references section 342 (b); the correct citation is section 332 (b).

5)Section 333 (d) (1) (formerly section 343 (d) (1)) references section 3 (b) (5) (B). The correct citation is section 3 (d) (1) (D).

We also noted a clerical error in section 402 (c) of the amended law. Paragraph (1) is divided into two subparagraphs, but only the second paragraph is numbered. Thus the first paragraph should be numbered "(c) (1)."

Hopefully these technical errors can be corrected prior to formal House approval.

Sincerely,

CHBuzzell

Charles H. Buzzell
Executive Director

cc: Joan Marie St. Martin

NOTES

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